

INTERNATIONALISATION OF THE NATIONAL
ASPIRATIONS OF THE PALESTINIAN ARAB CITIZENS OF
ISRAEL

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Abstract

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This study is concerned with the concept of internationalisation as a tool for disadvantaged minorities to affect change in their situation. This phenomenon has been studied widely with respect to authoritarian regimes and later on with liberal Western democracies. The current study has focussed on the state of Israel and the situation of its Palestinian Arab minority to investigate the origins and purposes of internationalisation, the extent to which these efforts have achieved the objectives that were set, and whether this process is in any sense capable of achieving them. The analysis shows that the internationalisation process whereby the Palestinian Arab citizens of Israel sought to reclaim their rights by invoking the support of the international community has emerged in the 1950s. It came to be perceived as necessary because internal legal and political processes were understood to be insufficient to achieve any redress for their grievances.

The Arab leadership in Israel articulates internationalisation as a strategy designed to invoke the norms of democracy to question the conduct of successive Israeli governments, and counter the narrative offered by them on the world stage. The internationalisation strategy is seen to undergo a profound transformation from public memoranda, to civil and legal advocacy by invoking international conventions and treaties and finally to personal diplomacy. The results show that it is not a zero sum game; it is an especially effective method in different ways and with varying degrees of success. It created an extension of the critique of Israel's treatment of Palestinians in the Occupied Territories to its Palestinian minority. Using the international law in the modality of legal advocacy to compel the Israeli state to adhere to the commitments it had made by acceding to an international convention, proved more effective than mere political pressure. Another factors such as the nature of the claims, geopolitical circumstances, global momentum, and domestic politics are crucial as well for the success of the internationalisation. Yet, Israel's response varied in particular

cases to minimise external critics, and its respect for the international law was uttered by utilitarian justification to protect its reputation.

The application of the social constructivist boomerang-spiral model to the process of internationalisation is deemed to be a particularly effective instrument to explore both the potential and the limits of the process of compelling the Israeli state to conform to internationally supported norms. The results of this study demonstrate that the construction of the state's identity as a Jewish and concerns over national security are potentially in conflict with the egalitarian democratic norms that it claims to be governed by. The implications of these two elements for the operation of the Israeli state has resulted in a failure to fully integrate its Arab citizens. The Nation-State Law of 2018 reinforces the legal and systematic discrimination against the Palestinians in Israel and explains why internationalisation has not been successful.

⁴⁴³ It is the first comprehensive investigation into a selected series of case studies that document international appeals made by Israel's Arab elite due to three chronological periods: 1948-1979, 1992- 2013 and 2015 onwards. On a theoretical level, it is the first time that the spiral model has been tested in the context of Israel and its Arab minority. This can serve as a strategic information source for Arab MKs, NGOs and Israeli decision makers.

Dedication

This PhD research is lovingly dedicated to my wonderful mother

Najdiyyeh El-Nashed Azaizeh-Shahbari

Her endless love and support made this journey possible

*Thank you mom,
I love you so much.*

To my one and only twin brother

Muhammad El-Abdallah Shahbari

*Whose faithful support during all the stages of this research is
beyond words*

*Thank you brother,
I love you so much.*

To the memory of my beloved father

Abdallah Ahmad Abd El-Rahamn Shahbari

*I love you dad,
I miss you every day.*

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Chapter 1

1. Introduction

1.1 Purpose of the research

The Israeli-Palestinian issue has been at the centre of the regional security complex in the Middle East for several decades. Much of the research on this issue has focussed on Israel and its relations with the occupied Palestinian territories. The relations between the Israeli state and its Arab minority have been relatively neglected by comparison.

In the existing academic literature, there is a broad consensus among scholars that there are serious issues in relation to the civil status of the Palestinian Arab minority in Israel.¹ However there has been little discussion of internationalisation as a strategy to address them.² Most authors³ (Theodore Sasson, Michael Karayanni) writing on Israel's Arab citizens analyse them mainly in terms of internal relations with the State or Jewish majority and minimize or even overlook the attempts of the Arab leadership in Israel to attract foreign attention towards the grievances of their people (internationalisation attempts). Israeli foreign policy doctrine considers the issue of equality and integration of the Arab citizens as an internal matter subject to the jurisdiction of Israeli government, local authorities and courts and therefore rejected the involvement of outside actors and institutions.⁴

¹ E.g. Sammy Smmoha, *Still Playing By The Rules: Index Of Arab-Jewish Relations In Israel* (Haifa: University of Haifa, 2017); Amal Jamal, "In The Shadow Of The 1967 War: Israel And The Palestinians", *British Journal Of Middle Eastern Studies* 44, no. 4 (2017): 529-544, doi:10.1080/13530194.2017.1360010; Ghanem As'ad, "Israel's Second-Class Citizens", *Foreign Affairs*, 2016, <https://www.foreignaffairs.com/articles/israel/2016-06-08/israel-s-second-class-citizens>.

² Shany Payes, "Palestinian Ngos In Israel: A Campaign For Civic Equality In A Non-Civic State", *Israel Studies* 8, no. 1 (2003): 60-90, doi:10.1353/is.2003.0016; Shany Payes, *Palestinian Ngos In Israel* (London: I.b. tauris, 2005). Oded Haklai, "Palestinian Ngos In Israel: A Campaign For Civic Equality Or 'Ethnic Civil Society'?", *Israel Studies* 9, no. 3 (2004): 157-168, doi:10.1353/is.2005.0004; Eli Rekhess, *The Arab Minority in Israel: An Analysis of the 'Future Visions' Documents* (New York, NY: American Jewish Committee, 2008), <http://www.ajc.org/atf/cf/%7B42d75369-d582-4380-8395-d25925b85eaf%7D/ARAB%20MINORITY%20IN%20ISRAEL.PDF> (accessed June 27, 2017); Hillel Frisch, *Israel's Security And Its Arab Citizens* (Cambridge [England]: Cambridge University Press, 2011).

³ E.g. Theodore Sasson, "Review Essay: Israeli Attitudes On Civil Rights, Democracy And Arab-Jewish Relations", *Israel Studies* 23, no. 2 (2018): 217, doi:10.2979/israelstudies.23.2.10; Michael Karayanni, "Two Concepts Of Group Rights For The Palestinian-Arab Minority Under Israel's Constitutional Definition As A 'Jewish And Democratic' State", *International Journal Of Constitutional Law* 10, no. 2 (2012): 304-339, doi:10.1093/icon/mos020.

⁴ "Building A Political Firewall Against Israel's Delegitimization Conceptual Framework", *Reut-Institute.Org*, 2010, <http://reut-institute.org/data/uploads/PDFVer/20100310%20Delegitimacy%20Eng.pdf>, 59.

Given that relatively little scholarly attention has been paid to this issue, this study is designed to explore and analyse the internationalisation process and its impact with reference to the Arab community in Israel. The motivation for this research based on the currently considerable interest in the 'internationalisation' of issues pertaining to the Arab minority in Israel.

1.2 The Zionist movement prior the foundation of Israel in 1948

Zionism, a nationalist movement established in the 1800s, believed that Palestine rightfully belonged to the Jews, inhabitants from biblical times.⁵ It saw Palestine as a 'land without a people, for a people without a land'.⁶ Accordingly, the Jewish settlement in Palestine was presented as an ideological and moral project that provided a solution to the dilemma of anti-Semitism in European communities.⁷ From the start, the movement requested and received agreement from major European powers. With the Balfour Declaration of 1917,⁸ and under the British Mandate, the Zionist movement began to encourage Jewish people in Europe to return from exile to their ancient homeland. Eventually, the partition resolution of the United Nations General Assembly in 29 November 1947⁹ recognised that Jewish state should be established alongside Arab one. However, Palestinians who in 1914, comprised about 92% of the population in historical Palestine, rejected this resolution. Their rejection based on the claim that the 1948 Plan advantaged Jews by granting them more than 56% of the land while Palestinian Arabs were offered about 42% of the land despite still being the majority of the population (about 67%).¹⁰ The Zionist movement accepted the plan and announced an independent Israel as 'Jewish' and 'Democratic' State¹¹ and resulted in the Arab states declaring war on Israel.

⁵ Oren Yiftachel, "'Ethnocracy': The Politics Of Judaizing Israel/Palestine", *Ipk-Bonn.De*, 2006, <http://ipk-bonn.de/downloads/ethnocracy-yiftachel.pdf>.

⁶ Nur Massalha, "The Expulsion Of The Palestinians: The Concept Of "Transfer" in Zionist Political Thought, 1882-1948, Washington, DC (1992), 235".

⁷ Massalha, "The Expulsion Of The Palestinians: The Concept Of "Transfer" in Zionist Political Thought, 1882-1948, 235.

⁸ "The Balfour Declaration", *Mfa.Gov.II*, 1917,

<http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20balfour%20declaration.aspx>.

⁹ "UN General Assembly Resolution 181", *Unispal.Un.Org*, 1947,

<https://unispal.un.org/DPA/DPR/unispal.nsf/0/7F0AF2BD897689B785256C330061D253>.

¹⁰ Ian Lustick, *Arabs In The Jewish State: Israel's Control Of A National Minority* (Austin, Tex: Univ. of Texas Press, 1980).

¹¹ "Proclamation Of Independence", *Knesset.Gov.II*, 1948, https://www.knesset.gov.il/docs/eng/megilat_eng.htm.

The Israeli military were victorious and claimed 77% of Palestinian land.¹² Following this, the State of Israel became a UN member in 1949.¹³

The results of the UN 1947 resolution strengthen the claim of some authors who believe that both 'territorial' and 'demography' are the main aspects two aspects of the Israeli-Palestinian conflict.¹⁴ In the same vein, it is important to note that both Israeli Jews and Arabs regard themselves as native to the area. In this sense, some authors claim that one of the crucial issues that lay at the core of the tension between the State of Israel and its Arab citizens is the contradictory narratives between the two-ethnic groups.¹⁵ While the Jewish historical connection to the land of Israel was recognised by the UN partition plan, the narrative of the Palestinian citizens omitted it.¹⁶ One example for this contradiction can be found in the 2007 Haifa Declaration that was published by Arab intellectuals as part of their attempts to draw a future vision for the Arab minority within Israel. In one of the paragraphs the authors describe Israel as a colonial state that occupied its homeland:

*'Towards the end of the 19th century, the Zionist movement initiated its colonial-settler project in Palestine. Subsequently, in concert with world imperialism and with the collusion of the Arab reactionary powers, it succeeded in carrying out its project, which aimed at occupying our homeland and transforming it into a state for the Jews'*¹⁷

Despite the Jewish claim to Palestine based on biblical ideology, only 7%-8% of the land was actually owned by Jews prior to the establishment of Israel.¹⁸ As a result, the Arab view is that the state has illegally commandeered public land and illegally confiscated Arab homes and land.

¹² Ismael Abu-Saad, "Retelling The History: The Indigenous Palestinian Bedouin In Israel", *Alternative: An International Journal Of Indigenous Peoples* 1, no. 1 (2005): 25-47, doi:10.1177/117718010500100103.

¹³ "Admission Of Israel To The United Nations- General Assembly Resolution 273", *Mfa.Gov.II*, accessed 6 November 2018, <http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/admission%20of%20israel%20to%20the%20united%20nations-%20general.aspx>.

¹⁴ Yitzhak Reiter, "The Land Issues, Chapter 5 [In Hebrew]", *Abraham Fund*, 2009, <https://www.abrahamfund.org/5544>; Ilan Pappé, *The Ethnic Cleansing Of Palestine* (Oxford: Oneworld, 2007).

¹⁵ Sammy Smooha, "Arab Jewish Relations In Israel As A Jewish And Democratic State", in *Trends In Israeli Society* (Tel Aviv: The Open University, 2001), 322-323.

¹⁶ Dov Waxman, "Israel's Other Palestinian Problem: The Future Vision Documents And The Demands Of The Palestinian Minority In Israel", *Tandfonline.Com*, 2013, <http://www.tandfonline.com/doi/full/10.1080/13537121.2013.748295>.

¹⁷ "The Haifa Declaration", *Mada-Research.Org*, 2007, <http://mada-research.org/wp-content/uploads/2007/09/watheeqat-haifa-english.pdf>.

¹⁸ Yitzhak Reiter, "The Land Issues, Chapter 5 ", *Abraham Fund*, 2009, <https://www.abrahamfund.org/5544>. [In Hebrew]

1.3 Arabs in Israel: Background

1.3.1 General review

Demography growth

The War of 1948 described by Palestinians as Nakba (Catastrophe) as it heralded an era of dramatic demographical and territorial change for the Palestinian people. For example, it is estimated that the Nakba resulted in the destruction of about 500 Palestinian villages, and turned nearly three-quarters of a million Palestinians into refugees.¹⁹ Accordingly, the number of Palestinians who managed to survive the 1948 War and became Israeli citizens following the inclusion of their lands within the new State of Israel, was reduced from 2:1 majority in the area of Mandatory Palestine to a small minority (about 12.5% of the population of the State of Israel).²⁰ That is, only a community of 160,000 out of 900,000 Palestinians remained in the part of Palestine upon which Israel was established due to the UN Partition Plan.²¹

The majority of the Arab community in Israel concentrated mainly in the centre and northern part of the country,²² and it is believed that they were granted Israeli citizenship to allow the approval of the 1947 UN General Assembly's Partition Resolution, which in turn acquired Israel international legitimacy.²³ The issue of the Israeli citizenship is a critical point as it makes the key difference between the political status of Arab Palestinians who live in Israel, and the rest of Palestinians who live in the Occupied territories (OT) and in diaspora.

In the last seven decades the Arab population has experienced a huge increase. Today the Arab population of Israel numbers 1.9 million (20.9%)²⁴ of

¹⁹ Nur Masalha, *The Palestine Nakba: Decolonising History, Narrating The Subaltern, Reclaiming Memory* (London: Zed Books, 2012).

²⁰ Ian Lustick, *Arabs In The Jewish State: Israel's Control Of A National Minority* (Austin, Tex: Univ. of Texas Press, 1980).

²¹ Nur Masalha, *The Palestine Nakba* (London: Zed Books, 2012), 5.

²² Majid Al-Haj and Henry Rosenfeld, *Arab Local Government In Israel* (Boulder (Colo.): Westview Press, 1990).

²³ Yoav Peled, "Ethnic Democracy And The Legal Construction Of Citizenship: Arab Citizens Of The Jewish State.", *American Political Science Review* 86, no. 02 (1992): 432-443, doi:10.2307/1964231; Nadim N. Rouhana and Areej Sabbagh-Khoury, "Settler-Colonial Citizenship: Conceptualizing The Relationship Between Israel And Its Palestinian Citizens", *Settler Colonial Studies* 5, no. 3 (2014): 205-225, doi:10.1080/2201473x.2014.947671.

²⁴ According to the Israeli Central Bureau Of Statistics, the number of Muslim citizens by the end of 2017 was 1.562 million, Druze citizens 141,000, and Christians 135,975. <https://www.cbs.gov.il/he/Pages/default.aspx>.

the total population of the state, the largest ethnic minority in Israel.²⁵ In other words, one in five Israeli citizens is Arab Palestinian. This massive demographical growth in the number of the Arab citizens has been viewed as a threat by the state's authorities as it can undermine the State's Jewish identity. Such a concern expressed by Benjamin Netanyahu in (2003) when he was Finance Minister who stated:

*'Israel's growing demographic problem is not because of Palestinians, but of Israeli Arabs'*²⁶

Predictably, his comments aroused claims of racism and widespread condemnation from Arab leaders.²⁷ The demographic discourse continues to dominate the Israeli political debate. According to figures presented by the Civil Administration during a meeting of the Knesset Foreign Affairs and Defence Committee in March 2018, the number of Muslims living in the West Bank, Gaza and the territories of Israel (6.5 million) is equal to the number of Jews living in Israel. This information sparked a storm among many Israeli personalities in the political system who considered it 'concerning' data.²⁸ Arabs in Israel make up roughly third of the Palestinians living in historical Palestine^{29,30} and approximately 12% of the Palestinians worldwide.³¹

Most Arab citizens of Israel are Sunni Muslims including Bedouin who account for 16 per cent of the Muslim population, and Circassians for 0.3 per cent. There are also Druze and Christian who each group of them constitute about 8%.³²

"The Central Bureau Of Statistics (Israel)-Society&Population-Population& Demography", *Cbs.Gov.II*, 2017, http://www.cbs.gov.il/reader/?Mval=cw_usr_view_SHTML&ID=705.

²⁵ Dov Waxman and Ilan Peleg, *The Rights Of Israel's Palestinian Minority In The Two-State Solution To The Israeli-Palestinian Conflict*, APSA 2011 Annual Meeting Paper (New York: City University of New York, 2011).

²⁶ Gideon Alon and Aluf Benn, "Netanyahu: Israel's Arabs Are The Real Demographic Threat", *Haaretz.Com*, 2013, <https://www.haaretz.com/1.4802179>.

²⁷ Alon and Benn, "Netanyahu: Israel's Arabs Are The Real Demographic Threat".

²⁸ Yaron Avraham, "2018: Equality Between Muslims And Jews", *Mako*, 2018, https://www.mako.co.il/news-military/israel-q1_2018/Article-9c5f88e90916261004.htm. Also the Central Bureau of Statistics data confirmed that as of 2017 there were slightly more than 6.5 million Jews in Israel, almost the same number as Muslims in Israel and the Palestinian territories.

²⁹ "Israel And Its Palestinian Citizens", *Mossawa.Org*, 2017, <http://www.mossawa.org/uploads/Israel%20and%20its%20Arab%20Palestinian%20Citizens%20-%2024%20May%202017.pdf>.

³⁰ The data shows that as of 2016, 4.88 million Palestinians lived in the territories – 2.97 million in the West Bank and 1.91 million in the Gaza Strip. Yotam Berger and Jack Khoury, "How Many Palestinians Live In Gaza And The West Bank? It's Complicated", *Haaretz.Com*, 2018, <https://www.haaretz.com/israel-news/how-many-palestinians-live-in-gaza-and-the-west-bank-it-s-complicated-1.5956630>.

³¹ Dov Waxman, "Israel's Palestinian Minority In The Two-State Solution: The Missing Dimension", *Middle East Policy* 18, no. 4 (2011): 68-82, doi:10.1111/j.1475-4967.2011.00511.x.

³² Dov Chernichovsky et al., "The Health Of The Arab Israeli Population: A Chapter From The State Of The Nation Report 2017", *Taubcenter.Org.II*, 2017, http://taubcenter.org.il/wp-content/files_mf/healthofthearabisraelipopulation.pdf. The Central Bureau of Statistics (CBS)

The Arab citizens of Israel live in three main areas in Israel: The Galilee area in the Northern district (over 50%), the 'Triangle' in the Centre (23%), and in the Naqab (Negev) desert region in the South (12%), and the rest live in mixed cities (about 8.5%).³³

Land

Although Arabs in Israel represent 20% of the population, the data show that they own only 3.5% of the country's total area, and a mere 12% -17% of the land previously owned by Palestinians including Palestinian refugees, prior to the establishment of the State.³⁴ The question of land has a significant impact on the psyche of the Arab citizens of Israel. As Reiter (2009) argues:

'The issue of land is the burning, the most inciteful and the most uniting in the Arab society in Israel, and it is connected to many of the feelings of deprivation and discrimination of this population. Since Arab society was mostly agricultural during the establishment of the state, it saw the land not only as a vital resource, but also as a national symbol of its attachment to the land and its struggle for rights and collective status within the state'³⁵ [translated from Hebrew]

Therefore, the question of land has a significant impact on the tension between the Arab minority and the State authorities through issues related to building permits, demolition orders, and the right or denial of the right to settle and purchase land. Recent data shows that 66% of Arab citizens living in Arab localities cannot receive building permits under approved plans as the communities in which they live are subject to a lengthy process of planning led by government ministries and planning offices.³⁶ According to another report published in June 2016 dealing with the housing shortage in minority communities, less than 2% of all housing transactions are conducted in the Arab community.³⁷ Given the constraints above, and in response to natural population growth, the Arab population has been forced to build without permits,

³³ As'ad Ghanem and Mohanad Mustafa, *Palestinians In Israel: The Politics Of Faith After Oslo* (Cambridge: Cambridge University Press, 2018); Gabriel G Tabarani, *Israeli-Palestinian Conflict* (Bloomington, IN: Author house, 2008).

³⁴ Yitzhak Reiter, "The Land Issue, Chapter 5", *Abraham Fund*, 2009, <https://www.abrahamfund.org/5544>. [in Hebrew].

³⁵ Reiter, "The Land Issue, Chapter 5". [in Hebrew]

³⁶ "41Th Land Day In The Shadow Of Legislation Designed To Increase Houses Demolitions", *Mossawa.Org*, 2017, <http://mossawa.org/he/article/view/651>.

³⁷ Hagi Amit, "'We Will Soon Explode': The Real Estate Crisis That Threatens To Ignite Israel", *Themarket*, 2017, <https://www.themarket.com/markerweek/1.3439243>. [In Hebrew]

which in turn results in house demolitions, that become one of the major struggles they faces. The on-going dispute between the Bedouin population in the 'unrecognised' villages in Southern Israel and the Israeli government illustrates the major tension around the land issue.³⁸ (This will be further discussed in Chapters 3 and 4).

Complex dual identity: Israeli 'civil identity' versus Palestinian 'national identity'

The way this special minority group's identity is defined has changed over the years both in terms of how Israeli Arabs define themselves and how the state and the Jewish majority define them. For instance, in the British Journal of Holy Land and Palestine Studies (2016), Muhammad Amara³⁹ lists forty-five phrases commonly used in reference to Palestinian society in Israel, including: Palestinian citizens, The Arabs of the Green Line, The 'Arabs of the inside', 'The Arabs of 1948', 'The Palestinians of 48', 'Arab-Israeli', etc.⁴⁰ Amara (2016) argues that the terms serve as symbolic means for the Israeli government to 'tame' the Palestinian citizens in attempt to make them accept the preferred identity by the state, which is 'Arab-Israeli'. In an interview for BBC Arabic TV in 2016, the head of the Joint List MK Ayman Odeh spoke about this issue:

*'The Israeli institution wants to build a character called the "Arab-Israeli". Who is the Arab Israeli? He is not 100% Arab. That is, he is not connected to his roots, his issue, and not working for his national issue. Meanwhile, he is not 100% Israeli as only Jewish can be 100% Israeli in the Jewish state... The "Arab-Israeli" is a second-class Arab, and a second-class Israeli'*⁴¹

It is claimed that considering the Arab citizens of Israel simply as an ethno linguistic minority by referring to them as 'Arab-Israeli' reflects the reluctant of the Israeli government to recognise their Palestinian identity and their existence

³⁸ "MJB Data Snapshot: The Bedouin In The Negev", *Brookdale.Jdc.Org.II*, 2017, <http://brookdale.jdc.org.il/wp-content/uploads/2018/01/MJB-Data-Snapshot-The-Bedouin-in-Israel-May-2017-FINAL.pdf>. Deborah F Shmueli and Rassem Khamaisi, *Israel's Invisible Negev Bedouin [Recurso Electrónico]* (New York: Dordrecht and London, 2015).

³⁹ Muhammad Amara, "Language, Identity And Conflict: Examining Collective Identity Through The Labels Of The Palestinians In Israel", *Journal Of Holy Land And Palestine Studies* 15, no. 2 (2016): 203-223, doi:10.3366/hpls.2016.0141.

⁴⁰ See also Azmi Bishara, "On The Question Of The Arab Minority In Israel", *Theory And Criticism*, 1993, 7-20.

⁴¹ Ayman Odeh, MK, interview by Gisele Khoury, BBC TV, 2016.

as a national minority.⁴² Various surveys suggest that the Arab citizens in Israel increasingly choose to define themselves as 'Palestinian Arab citizens of the state'.⁴³ Therefore, they may be described as living in a schizophrenic situation in terms of their identity, caught between their Palestinian national identity and their Israeli civil one.⁴⁴ In this sense, some scholars argue that Arab citizens in Israel are undergoing a simultaneous process of 'Palestinization'⁴⁵ where emotionally they are increasingly identify with the Palestinians,⁴⁶ and 'Israelization'⁴⁷ as they became bilingual and bicultural by accepting the Israeli system and seeking to improve their status in the state. This 'dual identity' of the Arab minority (Israeli and the Palestinian alike) that entails identification with the 'enemy' (Palestinians) of the state, is seen as threaten by the Israeli political elite who views it as a problem of irredentism. The concept irredentism describes the national aspirations of a minority group in one state to be related to another country based on different ties such as ethnic, religious and national.⁴⁸

Most Israeli Jews see a contrast between the Israeli civil identity of the Arab citizens and their Palestinian national one. National surveys highlighted this trend, revealing that over 60% of Israeli Jews believe that 'an Arab who defines himself as a 'Palestinian Arab in Israel' cannot be loyal to the state and its laws.⁴⁹ In this context, it is important to notice that while the Israeli government refuses to recognise the Palestinian identity of the Arab minority, it does not

⁴² Muhammad Amara, "Language, Identity And Conflict: Examining Collective Identity Through The Labels Of The Palestinians In Israel", *Journal Of Holy Land And Palestine Studies* 15, no. 2 (2016): 203-223, doi:10.3366/hpls.2016.0141; Esra Bulut Aymat, *Roundtable Discussion On Israel's Internal Tension In A Changing Region* (Paris: European Union: Institute for Security Study, 2012), https://www.iss.europa.eu/sites/default/files/EUISSFiles/Roundtable_report.pdf;

⁴³ Aas Atrash and Ameer Saabneh, "Attitudes Of Palestinians In Israel: Government Performance, Issues Of Equality And Democracy, And Peace Negotiation", *Mada-Research.Org*, 2015, http://mada-research.org/wp-content/uploads/2014/11/aas_ameer-final.pdf; As'ad Ghanem and Mohanad Mustafa, *Palestinians In Israel: The Politics Of Faith After Oslo* (Cambridge: Cambridge University Press, 2018).

⁴⁴ Muhammad Amara, "Language, Identity And Conflict: Examining Collective Identity Through The Labels Of The Palestinians In Israel", *Journal Of Holy Land And Palestine Studies* 15, no. 2 (2016): 203-223, doi:10.3366/hpls.2016.0141.

⁴⁵ Eli Rekhess, *The Arab Minority In Israel Between Communism And Arab Nationalism, 1965-1991* (Tel Aviv: Hakibutz Hameuchad, 1993). [in Hebrew]

⁴⁶ Muhammad Amara and Izhak Schnell, "Identity Repertoires Among Arabs In Israel", *Journal Of Ethnic And Migration Studies* 30, no. 1 (2004): 175-193, doi:10.1080/1369183032000170222.

⁴⁷ Sammy Smooha, "The Israelization Of The Collective Identity And Political Orientation Of Israel's Palestinian Citizens", in *The Arabs In Israeli Politics: Dilemmas Of Identity* (Tel Aviv: Dayan Center, Tel Aviv University, 1998), 41-53. [in Hebrew]

⁴⁸ Ephraim Lavie, "Integrating The Arab-Palestinian Minority In Israeli Society: Time For A Strategic Change", *Peace.Tau.Ac.IL*, 2016,

https://peace.tau.ac.il/sites/peace.tau.ac.il/files/media_server/peace/PDF/books/INSS_EphraimLavie.pdf.

⁴⁹ Dov Waxman, "A Dangerous Divide: The Deterioration Of Jewish-Palestinian Relations In Israel", *The Middle East Journal* 66, no. 1 (2012): 11-29, doi:10.3751/66.1.11.

recognise their 'Israeli' nationality as well. Thus, the ethnicity of 'Arab' appears in their Israeli ID cards instead of 'Israeli' as nationality, and the same for Jews. This issue was debated in the Supreme Court upon the request of a group of liberal Israeli Jews who asked to change their nationality from 'Jewish' to 'Israeli', but eventually the court backed the government and refused to recognise 'Israeli' as nationality.⁵⁰ Thus, the State differentiates between its citizens based on their ethnicity, 'Jews' and 'Arabs'. Yet, while the former is eligible for national rights, the latter cannot have them.

The leadership of the Arab citizens

The leadership of the Arab citizens of Israel is diverse as it includes secular and religious figures; those with a civil line and others with nationalist ideas.⁵¹ The Arab leadership can be divided into four centres of power:

- The political leadership: The 'Joint List'

The 'Joint List' Party is the only Arab political Party in the Israeli parliament (Knesset). It emerged following the 2015 elections and includes twelve Arab members of the Knesset (MKs), and one Communist Jewish MP. Its formation considered as a major milestone in the history of the Arab citizens of Israel as it was the first time that all the four Arab parties have united together in one political party. This Party is the third largest bloc in the 20th Knesset election. The Communist member of the Knesset (MK) Ayman Odeh is the Head of the Joint List, and he is known by his dual policy approach of economic and social integration on one hand, and Palestinian Arab nationalism on the other.⁵² The last few years witnessed a sharp increase in the international activities of Arab MPs as part of their efforts to internationalise the inferior political status of the Arab citizens. Therefore, they are identified

⁵⁰ Revital Hovel, "Supreme Court Rejects Citizens' Request To Change Nationality From 'Jewish' To 'Israeli'", *Haaretz.Com*, 2013, <https://www.haaretz.com/.premium-court-israeli-isn-t-ethnicity-1.5343897>.

⁵¹ "The Protest Among Israeli Arabs - Characteristics, Reasons, And Trends", *Maarachot*, 2014, 93.

⁵² Ephraim Lavie, "Integrating The Arab-Palestinian Minority In Israeli Society: Time For A Strategic Change", *Peace.Tau.Ac.IL*, 2016, https://peace.tau.ac.il/sites/peace.tau.ac.il/files/media_server/peace/PDF/books/INSS_EphraimLavie.pdf.

in this study as prominent actors in the internationalisation process, and their pattern of activity is described will be described as 'personal diplomacy' (This will be further discussed in Chapter 6).

- Heads of Arab civil associations (NGOs)

Since the 1980s, Arab NGOs have become an important component of the political and social landscape in Israel. Later these organisations adopted advocacy and lobbying strategies at the local and international levels, which have established their role in the public sphere. The academic literature acknowledges the prominent role of Arab NGOs in Israel in promoting the social and the political status of the Arab citizens, and democratisation of the Israeli society and state.⁵³ Notably, the Arab civil society organisations are not only campaigning for civic equality, but also for their national empowerment both locally and internationally.⁵⁴ In mid-2000, few Arab NGOs achieved consultative status for the UN bodies, which raised their international legitimacy.⁵⁵

During 2006- 2007, Arab NGOs played an important role in the publication of the vision documents, which largely reflected the expertise of the civil society organizations. The vision documents also reflected the centrality of the discourse of justice with regard to the Palestinian national question and issues relating to the Palestinians in Israel. Arab NGOs as identified in this study, are another key force in the internationalisation process of the grievances of the Arab citizens in Israel, and their international pattern of activity is described as 'civil and legal advocacy' (this will be further discussed in Chapter 5).

⁵³ Amal Jamal, *Arab Minority Nationalism In Israel: The Politics Of Indignity* (London, New York: Routledge, 2014), 189.

⁵⁴ Oded Haklai, "Palestinian NGOs In Israel: A Campaign For Civic Equality Or 'Ethnic Civil Society'?", *Israel Studies* 9, no. 3 (2004): 157-168, doi:10.1353/is.2005.0004.

⁵⁵ "Activity Of Israeli Organizations With Advisor Status To The United Nations, Against Israeli Policy", *Imti.Org.II*, 2015, <https://imti.org.il/wp-content/uploads/2015/09/Activity-of-Israeli-Organizations-with-Advisor-Status-to-the-United-Nations-Against-Israeli-Policy.pdf>.

- The National Committee for the Heads of the Arab Local Councils

The National Committee for the Heads of the Arab Local Councils in Israel was established in mid-1974⁵⁶ as part of the process to establish Arab national institutions in Israel.⁵⁷ Despite its civil agenda that largely focused on improving municipal issues in the Arab society, the committee's leaders had initiated and involved in activities that aimed to raise national demands as well.⁵⁸ Today the work of the committee is related to the Local Council Authorities, and its leaders' relations with the state authorities focus on improving daily life issues of the Arab citizens. Heads of the Arab Local Councils had a notable role in internationalisation process during the 1990s.

- The Islamic Movement

The Islamic Movement in Israel established during the 1970s under the influence of the revolution in Iran and the rise of Arab political movements in Israel that had a Palestinian national character. As apolitical movement it is inspired by the Muslim brotherhood movement in Egypt which was created by Hassan Al-Banna in 1928.⁵⁹ Despite its split in 1996 into Northern and Southern factions, and its on-going controversial relationship with the Israeli government, the Movement remains a key influential player in Palestinian minority affairs within Israel. During the late 1980s, the movement gained a remarkable political support across Arab towns and villages in Israel, and as a result it raised its power at both municipal and local government level. However, the Northern branch of the Movement started boycotting the

⁵⁶ Bartosz Hordecki, "Freedom OF Conscience And Religion In The Documents Of The Council Of Europe: Selected Issues SSUES", *Wnpid.Amu.Edu.Pl*, 2014, <https://wnpid.amu.edu.pl/~wnpid/attachments/article/2894/035-046.pdf>.

⁵⁷ Eli Rekhess, "The Arabs Of Israel After Oslo: Localization Of The National Struggle", *Israel Studies* 7, no. 3 (2002): 1-44, doi:10.1353/is.2003.0009.

⁵⁸ Bartosz Hordecki, "Freedom OF Conscience And Religion In The Documents Of The Council Of Europe: Selected Issues SSUES", *Wnpid.Amu.Edu.Pl*, 2014, <https://wnpid.amu.edu.pl/~wnpid/attachments/article/2894/035-046.pdf>.

⁵⁹ Gadi Hitman, *Israel And Its Arab Minority, 1948-2008: Dialogue, Protest, Violence* (Laham, Boulder, New York, London: Lexington Books, 2016).

Israeli national politics, and this put the Movement under threat of being banned.

By holding the yearly conference 'al-Aqṣā in Danger' that focused on protecting Jerusalem and the Aqṣā mosque from the government's policies, Shaykh Raed Salah, the prominent leader of the Northern branch of the Movement has succeeded in internationalising the issue both for Western countries and the Islamic world. Due to its separatist national activities, the Movement has been understood as a new form of Palestinian resistance inside Israel, with Jerusalem as the focus and symbol of its mobilization. In 2015, the Israeli cabinet declared the Northern branch illegal and withdrew its status as a recognized organization by enacting to the emergency regulations.⁶⁰ Yet, the Southern branch of the Islamic movement has three representatives in the parliamentary Joint List Party.

- The High Follow-Up Committee for Arab Citizens of Israel

The High Follow-Up Committee for Arab Citizens of Israel is an elected representative body that consists of all the Arab political parties, Heads of Arab Local Councils, and civil society organisations.⁶¹ It was established in 1982, and since then it started to take part in some of the activities of the Arab political leadership both in Israel and worldwide.

The landmark of Higher Arab Monitoring Committee and the Committee of Arab Local Council Heads activities was in December 2006 when they published the controversial 'Future Vision of the Arab Palestinians in Israel',⁶² which was the first of its kind to challenge the status of the Arab minority within Israel.

⁶⁰ Mansour Nasasra, "The Politics Of Claiming And Representation: The Islamic Movement In Israel", *Journal Of Islamic Studies* 29, no. 1 (2017): 48-78, doi:10.1093/jis/etx078.

⁶¹ Eli Rekhess, "The Arabs Of Israel After Oslo: Localization Of The National Struggle", *Israel Studies* 7, no. 3 (2002): 1-44, doi:10.1353/is.2003.0009.

⁶² "The Future Vision Of The Palestinian Arabs In Israel", *Mossawa.Org*, 2006, http://www.mossawa.org/uploads/Future_Vision_ENG.pdf.

The 2006 Document called for economic and social equality for the Arab citizens in Israel while focusing on their indigenous status coupled with the annulment of Israel's Jewish character. It is believed that the document was published in English as part of the endeavours to internationalise the status of the Arab citizens that was amid its main purposes.⁶³

Notably, two years ago, the Chairman of the High Follow-Up Committee, Former MK Mohammad Barakeh (Hadash-Israeli communist party) declared January 30, 2016 the 'International Day for Supporting the Rights of the Palestinian Citizens of Israel'. Barakeh sought to increase international attention towards the Arab citizens following the ban of the Northern branch of the Islamic Movement that antagonised the secular Arab elite.⁶⁴ There are increasing evidences about the active role of the High Follow-Up Committee in internationalisation of the grievances of the Arab citizens either independently,⁶⁵ or in cooperation with the Joint List⁶⁶ and other NGOs.⁶⁷

The common between the Arab leadership is that their legitimacy is questioned by the state. Recent research conducted by Mitvim, The Israeli Institute for Regional Foreign Policies, shows that the Arab leadership in Israel are excluded from Israel's foreign policy due to psychological and ideological barriers that characterise both the Arab society and the Israeli Foreign Service. As a result, the Arab elite prefers to carry independent foreign affairs activities that aims to improve the status of the Arab community through Arab NGOs, MPs and other internal associations such as The High Follow-Up Committee for Arab

⁶³ Elie Rekhess, "The Arab Minority In Israel – An Analysis Of The "Future Vision" Documents", *American Jewish Committee*, 2008.

⁶⁴ The High Follow -Up Committee for the Arab Citizens, *International Day For Supporting The Rights Of The Palestinian Citizens Of Israel*, 2017; "International Arab Rights In Israel Day Marked In 35 Cities Worldwide | Communist Party Of Israel", *Maki.Org.II*, 2018, <http://maki.org.il/en/?p=6907>.

⁶⁵ "Barakeh Meets With Russian Deputy Foreign Minister In Moscow To Consider The Implications Of The Nationality Law ", *Alarab.Com*, 2018, <https://www.alarab.com/Article/874133>; "The United Nations Investigates A Complaint Against Israel For Its Approval Of The National Law ", *Alwatanvoice*, 2018, <https://www.alwatanvoice.com/arabic/news/2018/08/04/1163786.html>.

⁶⁶ "For The First Time, Palestinians In Israel Host Senior UN Official", *Middle East Monitor*, 2018, <https://www.middleeastmonitor.com/20180510-first-the-first-time-palestinians-in-israel-host-senior-un-official/>.

⁶⁷ "A Political Delegation Representing The "Follow -Up" Holds Meetings On The Nationality Law At United Nations Headquarters In Geneva", *Meezaan*, 2018, <http://meezaan.org/?mod=articles&ID=458>.

Citizens rather than taking part in official missions on behalf the Israeli government or the Ministry of Foreign Affairs (MFO). This pattern of behaviour proved to have a negative impact on their legitimacy in the eyes of the Israeli Jewish public who consider it as disloyalty to the state.⁶⁸

Military service

The Israeli military service in the Israeli Military Defence (IDF) is considered as the fundamental basis of the very existence of the state.⁶⁹ Therefore, it is a central pillar of the Israeli society and a key test for loyalty to the state.⁷⁰ The service is compulsory for Jews and Druze, with the exemption of Arabs (Muslim and Christian) and Ultra-Orthodox Jews. Some Bedouin Muslims and Christians serve in the Israeli Defence Forces (IDF) on voluntary basis. The logic of security in Israel underscores the justification for giving privileges to those who served in the IDF.⁷¹ It is proper to give certain benefits to ex-soldiers within the first three years of their discharge.⁷² Hence, it is believed that the Israeli citizenship does not guarantee Arab citizens legal equality as the Jewish majority.⁷³ The extensive use of military service as a criterion for allocation of benefits is one of the most striking reasons for the inequality between Arabs and Jews in Israel.

State's official language

Hebrew is the official language of the State of Israel. Although Arabic, the mother tongue of many of its citizens, has had an important role in the State of

⁶⁸ Inbal Ben-Ezer, "The Involvement Of Palestinian Citizens Of Israel In The Israeli Peace Camp", *Mitvim.Org.II*, 2018, http://mitvim.org.il/images/Inbal_Ben-Ezer_-_Summary_-_The_involvement_of_Palestinian_citizens_of_Israel_in_the_Israeli_peace_camp_-_March_2018.pdf.

⁶⁹ Ronnie Olesker, "National Identity And Securitization In Israel", *Ethnicities* 14, no. 3 (2014): 371-391, doi:10.1177/1468796813504093.

⁷⁰ Sammy Smooha, "Minority Status In An Ethnic Democracy: The Status Of The Arab Minority In Israel", *Ethnic And Racial Studies* 13, no. 3 (1990): 389-413, doi:10.1080/01419870.1990.9993679.

⁷¹ Ronnie Olesker, "National Identity And Securitization In Israel", *Ethnicities* 14, no. 3 (2014): 371-391, doi:10.1177/1468796813504093.

⁷² Sammy Smooha, "Class, Ethnic, And National Cleavages And Democracy In Israel" (Boulder and London: Lynne Rienner, 1993), 309-342, <https://poli.hevra.haifa.ac.il/~s.smooha/download/ClassEthnicandNationalCleavages.pdf>.

⁷³ Sammy Smooha, "Minority Status In An Ethnic Democracy: The Status Of The Arab Minority In Israel", *Ethnic And Racial Studies* 13, no. 3 (1990): 389-413, doi:10.1080/01419870.1990.9993679.

Israel, the status of Arabic as an official language was downgraded in July 2018.⁷⁴ (This will be further discussed in chapter 6).

Unique status

The 1948 War left hostility and resentment between Jewish and Arab citizens in Israel, and posed a serious fear of the future of the two communities.⁷⁵ Some scholars believe that what makes the status of Arab citizens so unique is the fact that they are part of an Arab majority in the Middle East region who are perceived by the Jewish citizens as a security, cultural and demographic threat.⁷⁶ This perception was one of the main reasons that led to the creation of Military Government (1948-66) in areas populated by the Arab minority. There were also worries in relation to the internationalisation of their status as Yigal (1968) puts it:

*'The Arabs were suspected of espionage, sabotage, guerrilla warfare, terror against collaborators, and a political struggle both internally and internationally that might internationalise their problem and damage Israel's standing in the world'*⁷⁷

Yigal's quote also shows that it was expected that the Palestinians in Israel would use the internationalisation as strategy to pressurize the State of Israel and challenge its global reputation. Despite viewing them as a security risk, there has been little involvement from their side in terrorism,⁷⁸ and the fifth column theory proved to be unfounded. Yet, they still perceived as a national security concern.

⁷⁴ "Israel And Arabic: Where Else Do Language And Politics Collide?", *BBC News*, 2018, <https://www.bbc.co.uk/news/world-44892114>.

⁷⁵ "Protest Among Israeli Arabs - Characteristics, Reasons, And Trends", *Maarachot*, 2014.

⁷⁶ E.g. Sammy Smooha, "Ethnic Democracy: Israel As An Archetype", *Israel Studies* 2, no. 2 (1997): 196, doi:10.1353/is.2005.0060.

⁷⁷ Yigal Allon, *A Curtain Of Sand* (Tel Aviv: Hakibbutz Hameuhad, 1968), 332. [In Hebrew]

⁷⁸ "Head Of The Shin Bet To The Foreign Affairs And Defense Committee: "Hamas, Which Is In A Strategic Situation, Is Interested In Undermining The Security Situation In Judea And Samaria By Means Of Terror Attacks"", *Main.Knesset.Gov.II*, 2017, http://main.knesset.gov.il/Activity/committees/ForeignAffairs/News/pages/pr200317_1.aspx. "Negev Under Threat, And Not Just From Gaza", *Israel National News*, 2018, <http://www.israelnationalnews.com/News/News.aspx/246932>.

Integration in workplaces

Recent data shows that Israel's unemployment rate has remarkably fallen in recent years, reaching only 4% in 2017.⁷⁹ However, this figure does not reflect the situation in the Arab society where about two-thirds of Arab women of employment age who make up around 10% of the total population of Israel, are hardly participate in the workforce.⁸⁰ This inequality is highlighted when considering that only 34% of Arab women were in employment in 2017, compared with 85% of Jewish women, which was even above the OECD average 76.5%.⁸¹

Furthermore, Arabs are not merged into the national power structure and are excluded from Israel's scientific or business leaders. While Israel is widely recognised as a start-up nation for having the highest number of start-up companies on the U.S. NASDAQ stock (about 125 companies) after the U.S,⁸² the Arab society has remained in a state of stagnation, representing only 1.5% of the Israeli tech workforce of (around 280,000).⁸³ Another statistic reveals that only 12 of 823 employees of the Bank of Israel are Arabs.⁸⁴

Arabs in the civil service also still suffer from under-representation. At the senior level of civil service, government companies, and statutory corporations. According to Mohammad Darawshe, Director of Planning, Equality and Shared Society. Givat Haviva Centre:

'Many bodies in the government do not think that the integration of Arab citizens is a national interest. They see it as a Jewish interest to

⁷⁹ "Startup Nation Or Left-Behind Nation? Israel's Economy Is A Study In Contrasts", *The Economist*, 2017, <https://www.economist.com/special-report/2017/05/18/israels-economy-is-a-study-in-contrasts>.

⁸⁰ Nasreen Hadad Haj-Yahya, "For Arab Women In Israel, It's Just Not Working | Opinion", *Haaretz.Com*, 2018, <https://www.haaretz.com/opinion/.premium-for-arab-women-in-israel-it-s-just-not-working-1.5886775>.

⁸¹ "OECD Economic Surveys - Israel", *Oecd.Org*, 2018, <https://www.oecd.org/eo/surveys/Israel-2018-OECD-economic-survey-overview.pdf>.

⁸² "Israel Diversity", *Mfa.Gov.II*, 2010, http://mfa.gov.il/MFA_Graphics/MFA%20Gallery/Documents/Diversity2010-En.pdf.

⁸³ Karim Fanadka, "How Israel's Arab Tech Community Grew 1000% In 10 Years", *Forbes.Com*, 2018, <https://www.forbes.com/sites/startupnationcentral/2018/04/25/how-israels-arab-tech-community-grew-1000-in-10-years/#4d8155fe72f6>.

Karim Fanadka, "How Israel's Arab Tech Community Grew 1000% In 10 Years", *Forbes.Com*, 2018, <https://www.forbes.com/sites/startupnationcentral/2018/04/25/how-israels-arab-tech-community-grew-1000-in-10-years/#4d8155fe72f6>.

⁸⁴ Tali Heruti-Sover, "The Bank Of Israel Finds It Difficult To Recruit Workers From Arab Society: 'They Find Out The Wages - And Go Somewhere Else'", *Themarket*, 2017, <https://www.themarket.com/career/1.4298132>.

*preserve these places of employment for Jews only*⁸⁵ [translated from Hebrew]

This has resulted in a paucity of Arabs at the top three levels of civil service, and they are underrepresented in governmental offices. For example, the Prime Minister's Office employs ten Arab workers out of 822 employees (1.2%). The Ministry of Finance has 27 out of 1,028 employees (2.6%), the Ministry of Foreign Affairs employs 41 Arab workers out of 1,834 employees (2.2%), the Ministry of Economy 21 out of 537 (3.9%). Official data shows that as of 2017 Arabs in public service was 11.3%, a figure that appears to meet the government target. However, a closer look at some government ministries reveals that in most cases the numbers fall significantly below this.⁸⁶ In reality, Arabs today represent only 3.2% of the senior civil service staff (except the Ministry of Labour and Social Affairs, and hospitals include 11.7% of the Arab population). The data also reveals that of the Arab and Druze population enjoy a relative advantage in this context because of their army service. For example, the Ministry of the Interior, where 63% of the workers are from the Arab population (most of them from the Druze sector). In many government ministries there are no Arabs at all. These include the Ministry of Energy and Water, the Ministry of Development of the Periphery, Negev and Galilee, the Ministry of Intelligence, Ministry of Strategic Affairs, The Minister of Jerusalem Affairs and Heritage, Ministry of Diaspora, and Ministry of religious services.⁸⁷

Added to this, data show significant gaps in both representation and wages between Jewish and Arab academics, with academic education unable to redress the balance. Within the insurance industry, Arab academics earn 46% of the wages of their Jewish counterparts, whilst in the field of scientific research and development; Arab women earn 65% of their Jewish counterparts.⁸⁸

⁸⁵ Tzahi Sade, "The Great Missed Opportunity: "Integrating Arabs Into The Public Sector Is A National Interest"", *Ynet*, 2018, <https://www.ynet.co.il/articles/0,7340,L-5188946,00.html>.

⁸⁶ Sade, "The Great Missed Opportunity: "Integrating Arabs Into The Public Sector Is A National Interest".

⁸⁷ Lila Margalit, "Integration Of The Arab Population Into Decision-Making Centers In The Public Sector", 2017, <https://www.idi.org.il/parliaments/18632/18636>.

⁸⁸ "The Diversity Index: Representation And Wages In The Private Labor Market And Academic Institutions", *Employment.Molsa.Gov.II*, 2017, http://employment.molsa.gov.il/publications/publications/doclib/variability_measure_dec2017.pdf.

Socio economic

Political scholars and academics tend to agree that the minority Arab citizens of Israel are heavily disadvantaged compared with the Jewish majority, even though they are said to have full civic, political, socio-economic, and cultural rights.⁸⁹ This hardship is emphasised when considering the socio-economic conditions of the Arab people in Israel, which reveals significant challenges. Lavie (2010) explains:

*'To date only limited progress has been made in civil equality for the Arab minority... The general picture is one in which the Arabs in Israel are still in many ways a social group that is marginalised, discriminated-against, and lacking civil equality. The group suffers from institutionalised discrimination manifested in legislation unequal distribution of resources and budgets; a lower level of employment in public service positions; and unequal settlement policies, as well as non-institutionalised social discrimination. The latter stems from the conflict between the two societies and is manifested in everyday discrimination, such as rejection in job searches, opposition to Arabs living in Jewish cities, prohibitions on Arabs entering places of recreation, and use of racist language toward Arab citizens. The gap between them and the Jewish population is widening, even if their socioeconomic situation has improved.'*⁹⁰

Current data support Lavie's argument about the inferior status of the Arab citizens. For example, as of 2018, it was revealed that while Israel has a strong economy that allows it to compete with Japan's GDP,⁹¹ it has one of the highest rates of poverty in Organisation for Economic Co-operation (OECD) countries. These contradicting facts are explained by the significant gaps between the annual income of Jewish majority and the Arab minority who their income is 50% lower than Israeli Jews.⁹² As a result, the poverty among the Arab community reached the country's highest rate of 50% compared to 17% in Israeli society overall.⁹³ This bad socio-economic situation has a negative

⁸⁹ Dov Waxman, "Israel's Palestinian Minority In The Two-State Solution: The Missing Dimension", *Middle East Policy* 18, no. 4 (2011): 68-82, doi:10.1111/j.1475-4967.2011.00511.x; Ilan Pappé, *The Forgotten Palestinians: A History of the Palestinians in Israel* (Yale University Press, 2011).

⁹⁰ Ephraim Lavie, "Integrating The Arab-Palestinian Minority In Israeli Society: Time For A Strategic Change", *Peace.Tau.Ac.IL*, 2016, 38

https://peace.tau.ac.il/sites/peace.tau.ac.il/files/media_server/peace/PDF/books/INSS_EphraimLavie.pdf.

⁹¹ Max Schindler, "Netanyahu Touts Israel For Surpassing Japan In GDP Per Capita", *The Jerusalem Post*, 2018, <https://www.jpost.com/Israel-News/Netanyahu-touts-Israel-for-surpassing-Japan-in-GDP-per-capita-559701>.

⁹² "NIS 6900 Average Income Of The Arab Family In Israel", *Alquds.Com*, 2017, <http://www.alquds.com/articles/1495009379687175700/>.

⁹³ "OECD Economic Surveys -Israel", *Oecd.Org*, 2018, <https://www.oecd.org/eo/surveys/Israel-2018-OECD-economic-survey-overview.pdf>.

influence on Arab children. According to the Israeli Council for the Child, two out of three Arab children live below the poverty line (about 62%) compared with one out of five Jewish children (21.2%).⁹⁴ A further effect of the marginalising the Arab citizens is the high rate of infant mortality among Arabs, 6.1 deaths per 1,000 births compared with 2.2 in the Jewish society. This data even rises to the highest rate recorded with 11.1 per 1,000 births when considering Bedouin births.⁹⁵

According to the OECD, Israel has a serious economic, social, and educational challenge in relation to the Arab society that poses a serious threat on the success of the state's economy.⁹⁶ It is estimated that failing to narrow the gap between Arabs and Jews will cost the Israeli economy about NIS 40 billion a year.⁹⁷ In the same vein, Former Shin Bet Chief, Yuval Diskin argued that the importance of integrating Arab citizens outweighs the Iranian threat.⁹⁸

Admittedly, there is a clear discrimination evident in the socio-economic data, but there are positive aspects, which demand recognition. According to new research by Israel's Council for Higher Education (CHE), the number of Arab students in Israeli universities grew up 78% in the last seven years. Arab students accounted for 16.1% of undergraduate students in Israeli universities compared with 10.2 % in 2010. This increase has carried over to graduate programs, where the percentage of Arab students since 2010 has doubled from 6.2% to 13%. In postgraduate programs, the percentage of Arab students rose 60% from 3.9% to 6.3%.⁹⁹ Strikingly, Arab students who study the Hi-Tech subjects in the prestigious Israel Institute of Technology (Technion) make up 25% of the overall students, of them 44% Arab female students, which is

⁹⁴ "The Annual Statistical Bulletin "Children In Israel 2017"", *Go. Ynet.Co.IL*, 2018, <http://go.ynet.co.il/pic/news/shnaton2017.pdf>.

⁹⁵ Mazal Mualem, "Morbidity Among Israeli Arabs: A Strategic Problem", 2018, <https://www.al-monitor.com/pulse/iw/contents/articles/originals/2018/07/israel-arabs-ahmed-tibi-public-health-weapons-education.html>.

⁹⁶ Michal Margalit, "OECD On Israel: The Economy Is Stronger But More Poor Workers; Criticize The Resident Price", *Ynet*, 2018, <https://www.ynet.co.il/articles/0,7340,L-5155925,00.html>.

⁹⁷ "The Israeli Economy Is Losing NIS 40 Billion A Year As A Result Of The Non-Integration Of Arab Citizens Into The Economy", *Economist.Co.IL*, 2008, <http://www.economist.co.il/?CategoryID=1540&ArticleID=6138>; Keren-Or Greenberg, ""The Damage To The Economy From The Failure To Integrate Arabs - NIS 40 Billion A Year"", *www.Calcalist.Co.IL*, 2018, <https://www.calcalist.co.il/conference/articles/0,7340,L-3731666,00.html>.

⁹⁸ Mazal Mualem, "Morbidity Among Israeli Arabs: A Strategic Problem", 2018, <https://www.al-monitor.com/pulse/iw/contents/articles/originals/2018/07/israel-arabs-ahmed-tibi-public-health-weapons-education.html>.

⁹⁹ "An Increase In The Number Of Students From The Arab Sector", *Council For Higher Education (CHE)*, 2018, <https://che.org.il>.

among the highest in the World.¹⁰⁰ These positive developments have undoubtedly empowered the Arab citizens. Other statistics show that 35% of all doctors in Israel are from the Palestinian minority. A particular impressive statistic refers to a small Arab village called 'Arraba' (a community with 24,000 residents), in lower Galilee, which has one of the highest numbers of doctors per capita in the world, that is, more than six doctors per thousand inhabitants (6:1000). By comparison, Israel as a whole has 3.1:1000, and the OECD average is 3.3:1000.¹⁰¹ Arabs also account for 35% of all pharmacists in Israel.¹⁰² Both education and medical professions are the only subjects in which Arab students were represented in proportion to their percentage of the population were.¹⁰³

Rhetoric of delegitimisation against the Arab citizens and their political leadership

The rhetoric of delegitimisation against the Arab citizens is mainly reflected by either describing them as the 'enemy within' through the enactment anti-democratic laws.¹⁰⁴ Essentially, radical language against Arab citizens tends to be increased particularly at times of threats to security. For example, during July 2017, the Israeli Minister of Defence, Avigdor Lieberman, stated in an interview with the Knesset TV channel that Arab citizens are one of the three main enemies of Israel:

*'Israel has a three-dimensional conflict: (1) the Arab world (2) Palestinians (3) Israeli Arabs'*¹⁰⁵

Categorising the Arab citizens as enemies and asserting that they are posing threat on the state as Hezbollah and Hamas, means that their mere existence within the state has no legitimacy as the two aforementioned movements are

¹⁰⁰ "Prof. Yousef Jabareen: The Percentage Of Arab Female Students In The Subjects Of Hi-Tech In The Technion, The Highest In The World", *Menhon.Com*, 2017, http://www.menhon.com/single-post.php?post_id=1371.

¹⁰¹ Viva Sarah Press, "The Small Israeli Village Where Everyone'S A Doctor", *Israel21c*, 2016, <https://www.israel21c.org/the-small-israeli-village-where-everyones-a-doctor/>.

¹⁰² David Shamah, "Pharmacy Offers Arabs Career Boost, Enhanced Ties With Jew s", *Timesofisrael.Com*, 2015, <https://www.timesofisrael.com/pharmacy-offers-arabs-career-boost-enhanced-ties-with-jews/>.

¹⁰³ Dov Lieber, "Number Of Arab Students In Israeli Universities Grow s 78% In 7 Years", *Timesofisrael.Com*, 2018, <https://www.timesofisrael.com/number-of-arab-students-in-israeli-universities-grows-78-in-7-years/>.

¹⁰⁴ *Israel: New Discriminatory And Anti-Democratic Legislation*, ebook (Haifa: Adalah - The Legal Center for Arab Minority Rights in Israel, 2016).

¹⁰⁵ "Haidak Politi" With Avigdor Lieberman". *Youtube*, 2017. <https://www.youtube.com/watch?v=P7xg9mspqOQ>.

defined by Israel as terror groups that should be defeated by unconventional force. In the same interview, Lieberman also described the Arab Joint List as a representative of a 'terror organisation in Knesset Israel'.¹⁰⁶ This kind of statements undoubtedly creates a hostile atmosphere and gives rise to Anti-Arab populism.

A further noticeable political move that was taken by the Israeli government and considered as a harmful for the legitimacy of Israel's Arab citizens was when the Prime Minister Netanyahu asked U.S. officials to promote a land-swap plan as part of a future peace deal. The proposed plan aims to transfer about 300,000 Arab citizens to the Palestinian territories, in exchange for settlements' annexation. This proposal was even raised at the United Nations.¹⁰⁷ Arab MKs strongly condemned the land swap described as a war crime as they see themselves as 'indigenous' citizens that their status cannot be compared with illegal settlers.¹⁰⁸

The current Israeli Prime Minister Netanyahu used his 'Anti-Arab' policy for electoral benefits during the 2015 elections. His statement 'Arab voters are coming out in droves to the polls' was condemned by The United States President Barak Obama who declared that he is 'Deeply concerned by the use of divisive rhetoric in Israel that sought to marginalise Arab Israeli citizens'.¹⁰⁹

This political radicalism has undoubtedly contaminated public opinion in the now deeply divided Israeli society and created more social polarization. According to a survey that was conducted by the prestigious American Pew Research Centre in March 2016, nearly half of Jewish Israelis agree that Arabs should be transferred or expelled from Israel, and a solid majority (79 per cent) maintain that Jews in Israel should be given preferential treatment.¹¹⁰ Another national survey from 2017 showed a further decline in the mutual distrust and legitimacy of Arab citizens as perceived by Jews, and in the legitimacy of Jews and the

¹⁰⁶ "Haidak Politi" With Avigdor Lieberman". *Youtube*, 2017. <https://www.youtube.com/watch?v=P7xg9mspqOQ>.

¹⁰⁷ Barak Ravid and Shlomo Shamir, "At UN, Lieberman Touts Territory Swap, Says Deal Could Take Decades", *Haaretz.Com*, 2010, <https://www.haaretz.com/1.5118801>.

¹⁰⁸ "Netanyahu Proposes Transferring Wadi Ara And Its Arab Citizens Of Israel To Future Palestinian State", *Maki.Org.II*, 2018, <http://maki.org.il/en/?p=12253>.

¹⁰⁹ Jonathan Lis and Barak Ravid, "White House 'Deeply Concerned' By 'Divisive' Anti-Arab Rhetoric During Israeli Election", *Haaretz.Com*, 2015, <https://www.haaretz.com/.premium-u-s-concerned-by-anti-arab-rhetoric-during-election-1.5339436>.

¹¹⁰ Marissa Newman, "Nearly Half Of Jewish Israelis Want To Expel Arabs, Survey Shows", *Timesofisrael.Com*, 2016, <https://www.timesofisrael.com/plurality-of-jewish-israelis-want-to-expel-arabs-study-shows/>.

state as perceived by Arabs.¹¹¹ Overall, Arabs in Israel suffer from a poor national image as the leading Israeli sociologist Sammy Smooha (2016) puts it:

*'The picture that many in the academic world, media and government paint of the present and future of the Arab citizens is very gloomy, best captured by their depiction as a ticking bomb. We are told time and again that the Arabs are increasingly disaffected with Israel, rejecting their minority status, developing a Palestinian identity, embracing fundamentalist Islam, boycotting Knesset elections, and sympathising with Palestinian terrorism'*¹¹²

1.3.2 The national aspirations of the Arab minority in Israel

While the non-citizen Palestinians have always struggled for sovereignty and liberation,¹¹³ Israel's Palestinian citizens have developed over the years their own aspirations and modus operandi of struggle for achieving them within Israel. Although they support the right of their Palestinian brethren for sovereignty and self-determination,¹¹⁴ they are focusing on a civil rights struggle through political and legal means. Ilan Pappé, a leading post-Zionist historian, summarises their strategy in his book 'The Forgotten Palestinians' as follow.¹¹⁵ first, a moral support for the official PLO demanded for the establishment of an independent Palestinian state alongside Israel; second, a demand for equal civic and human rights for the Palestinian minority in Israel; and, finally, a decision to employ only tactics that were possible within the Israeli legal system. In addition to Pappé's opinion, the Arab elite in Israel also looks to fulfil their national aspirations, which clearly appears in the 2006-2007 future vision documents,¹¹⁶ and in political program of the 2015 Joint List Party.¹¹⁷ The existing academic literature recognises two layers of demands

¹¹¹ Omri Salner, "Arab-Jewish Relations Index, Directed By Prof. Sammy Smooha Of The University Of Haifa: Attitudes Of Jewish And Arab Public Concerning Coexistence Deteriorate, But Foundation Of Relationships Is Still Firm", *Haifa.Ac.IL*, 2018, <https://www.haifa.ac.il/index.php/en/home-page3/2934-arab-jewish-relations-index-directed-by-prof-sammy-smooha-of-the-university-of-haifa-attitudes-of-jewish-and-arab-public-concerning-coexistence-deteriorate-but-foundation-of-relationships-is-still-firm>.

¹¹² Sammy Smooha, "Why Do Israel's Arabs Keep Playing By The Rules?", *The Forward*, 2016, <https://forward.com/opinion/354766/why-do-israels-arabs-keep-playing-by-the-rules/>.

¹¹³ Smooha, "Why Do Israel's Arabs Keep Playing By The Rules?".

¹¹⁴ Eli Rekhess, "The Arabs Of Israel After Oslo: Localization Of The National Struggle", *Israel Studies* 7, no. 3 (2002): 1-44, doi:10.1353/is.2003.0009.

¹¹⁵ Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011).

¹¹⁶ "The Future Vision Of The Palestinian Arabs In Israel", *Mossawa.Org*, 2006, http://www.mossawa.org/uploads/Future_Vision_ENG.pdf.

¹¹⁷ "The Joint List's political agenda: Our Answer To Racism", *Hadash.Org.IL*, 2015, <http://hadash.org.il/%D7%9E%D7%A6%D7%A2-%D7%94%D7%A8%D7%A9%D7%99%D7%9E%D7%94-%D7%94%D7%9E%D7%A9%D7%95%D7%AA%D7%A4%D7%AA/>.

that the Palestinian minority within Israel is seeking to achieve 1) the traditional quest for full equal civil rights, and 2) the demand to be recognised as a national and indigenous minority. In this thesis the former demand will be described as the civil-right approach and the latter as the political one. Below a brief description of each approach:

- *The civil-rights approach: The demand for equal rights*

The Arab citizens of Israel struggle to achieve equal 'citizenship and individual right'¹¹⁸ (what Kymlicka terms 'integrationist demand').¹¹⁹ The Arab leadership have been calling the state for granting them an equal footing with Israeli Jews such as equal access to public services, and fairly allocation of civil-service jobs.¹²⁰ From their point of view, the state must serve the two groups (Jews and Arabs) equally, and they believe the state's dual identity as Jewish and Democratic makes it impossible.¹²¹

Generally speaking, this 'Civil-rights approach' demand is seen as legitimate and accepted by the Israeli government as long as it does not challenge the Jewishness nature of the state.

- *The political approach: the demand for national recognition*

While in the past, the Arab leadership aspiration for equality was based mainly on individual liberal philosophy and distributive justice some Arab politicians and intellectuals begun to refocus their demand for equal citizenship by emphasising the obligation of the state to recognise the status of the Arab citizens in Israel as a national minority (what

¹¹⁸ "The Joint List's Platform: Our Answer To Racism", *Hadash.Org.II*, 2015, <http://hadash.org.il/%D7%9E%D7%A6%D7%A2-%D7%94%D7%A8%D7%A9%D7%99%D7%9E%D7%94-%D7%94%D7%9E%D7%A9%D7%95%D7%AA%D7%A4%D7%AA/>.

¹¹⁹ Will Kymlicka, "The Internationalization Of Minority Rights", *International Journal Of Constitutional Law* 6, no. 1 (2007): 1-32, doi:10.1093/icon/mom032.

¹²⁰ As'ad Ghanem, "The Palestinians In Israel: Political Orientation And Aspirations", *International Journal Of Intercultural Relations* 26, no. 2 (2002): 135-152, doi:10.1016/s0147-1767(01)00044-x.

¹²¹ Sammy Smooha, "The Model of Ethnic Democracy: Israel as a Jewish and Democratic State," *Nations and Nationalism* 8.4 (2002): Nadim N. Rouhana, "'Jewish And Democratic'? The Price Of A National Self-Deception", *Journal Of Palestine Studies* 35, no. 2 (2006): 64-74, doi:10.1525/jps.2006.35.2.64.

Kymlicka terms 'accommodative demand').¹²² In other words, they started to ask for collective rights as a precondition for ensuring their individual equality.¹²³ They believe that this demand is seen as complementary to civil equality. This political aspiration grounded on international human rights covenants and declarations that acknowledge the right of self-determination for national minorities.

It is believed that the Arab leaders have realised that by calling for collective rights based on international law, they are bringing a new challenge Israel as it seeks to retain the Jewish nature of the country while adhering to international norms to achieve acceptance in the global community.¹²⁴ Accordingly, this demand increases the tension with the state.¹²⁵ Yet, there are specific areas where the Arab citizens are enjoying collective rights mostly expressed by limited cultural autonomy, separate education and religious administrations.

The Arab citizens' demand for national recognition seen as a threat by Israeli governments therefore it is strongly rejected. Israeli officials argue that the establishment of a Palestinian state should give an answer to the national aspirations of Israel's Arab citizens. As Former Foreign Minister Tzipi Livni puts it:

*'Once a Palestinian state is established, I can come to the Palestinian citizens, whom we call Israeli Arabs, and say to them 'you are citizens with equal rights, but the national solution for you is elsewhere'*¹²⁶

¹²² Will Kymlicka, "The Internationalization Of Minority Rights", *International Journal Of Constitutional Law* 6, no. 1 (2007): 1-32, doi:10.1093/icon/mom032; Eli Rekhess, "The Arabs Of Israel After Oslo: Localization Of The National Struggle", *Israel Studies* 7, no. 3 (2002): 1-44, doi:10.1353/is.2003.0009; Amal Jamal, *Arab Minority Nationalism In Israel* ([Place of publication not identified]: Routledge, 2014).

¹²³ Amal Jamal, "On The Morality Of Arab Collective Rights In Israel", *Adalah.Org*, 2005, <https://www.adalah.org/uploads/oldfiles/newletter/eng/apr05/ar2.pdf>.

¹²⁴ Haklai, "The Arab Minority In Israel: Challenges And Limits In Recent Disciplinary Approaches", *Israel Studies* 18, no. 1 (2013): 124, doi:10.2979/israelstudies.18.1.124. p140.

¹²⁵ As'ad Ghanem, "The Palestinians In Israel: Political Orientation And Aspirations", *International Journal Of Intercultural Relations* 26, no. 2 (2002): 135-152, doi:10.1016/s0147-1767(01)00044-x.

¹²⁶ "Livni: National Aspirations Of Israel's Arabs Can Be Met By Palestinian Homeland", *Haaretz.Com*, 2008, <https://www.haaretz.com/1.5072337>.

Levni's statement shows that only Israeli Jewish citizens are entitled to both national and civil rights, while Arabs only civil rights and if there is a conflict between the 'citizenship' rights and the 'national' rights, the Jewish national rights triumph the Arab individual citizenship rights.

1.3.3 The question of the Palestinian minority in Israel in the Israeli Palestinian conflict

There is a wide international consensus among the world powers that ending the Israeli Occupation, and endorsing the 'Two-State' solution based on the 1967 borders is the best formula for a sustainable peace in the Middle East.¹²⁷ Even though there are more Palestinians,¹²⁸ Israelis,¹²⁹ and geopolitical experts¹³⁰ who doubt the feasibility of the Two-State formula based on the political situation on the ground (e.g. settlement expansions), this formula remains the most debated one. Nonetheless, neither the civil nor the national rights of the Arab citizens appear on the agenda of this debate. It is because Israel sees their political-legal status as a national matter that should not be raised in foreign negotiations. Accordingly, every external attempt to mediate between Israel and its Arab citizens was perceived as an involvement in Israel's internal affairs.¹³¹ This resulted in international ignorance of the issue of the Palestinian minority in Israel.¹³² Many international commentators are hardly aware of the mere existence of the Arab minority in Israel. However, Arab citizens of Israel have not only been ignored only by the international community, but also by the Arab world and the formal leadership of the

¹²⁷ Laura Smith-Spark, "UK Law makers Vote To Recognize Palestine As A State - CNN", *CNN*, 2014, <https://edition.cnn.com/2014/10/14/world/europe/uk-commons-vote-palestine/index.html>.

¹²⁸ Christopher Heaney, "Hanan Ashrawi Calls For 'New International Engagement' In Two-State Solution - UN News Interview", *Question Of Palestine*, 2018, <https://www.un.org/unispal/document/hanan-ashrawi-calls-for-new-international-engagement-in-two-state-solution-un-news-interview/>.

¹²⁹ Sa'ar Gideon, "Sa'ar: 'Two States For Two Peoples - A Slogan, Not A Solution'", *Srugim*, 2018, <https://www.srugim.co.il>.

¹³⁰ Ian Lustick, "Opinion: Two-State Illusion", *Nytimes.Com*, 2013, <https://www.nytimes.com/2013/09/15/opinion/sunday/two-state-illusion.html>.

Yale M. Zussman, "The Two-State Solution's Inconvenient Truths", *Israel National News*, 2018, <http://www.israelnationalnews.com/Articles/Article.aspx/21792>.

¹³¹ "Internationalization Of The Issue Of Israeli Arabs - Reut Institute", *Reut-Institute.Org*, 2005, <http://reut-institute.org/Publication.aspx?PublicationId=535>.

¹³² Esra Bulut Aymat, *Roundtable Discussion On Israel's Internal Tension In A Changing Region* (Paris: European Union: Institute for Security Study, 2012),

Palestinian Authority (PA), and the Palestinian Liberation Organisation (PLO).¹³³ In his in 2011 article Dov Waxman describes the longstanding ignorance of this group of Palestinians as follow:

'A widespread and longstanding disregard for the Palestinian minority in Israel has been reflected in all of the accords, initiatives, conferences and summits aimed at achieving Israeli-Palestinian peace. No peace plan, whether official or unofficial, has ever dealt with the situation of the Palestinian minority in Israel, especially its future status in a two-state solution.⁸ The 1993 Oslo Agreement, the 2001 Clinton Parameters, the 2002 Arab Peace Initiative, the 2003 Road Map, and the 2003 Geneva Accord all failed to address this issue. Not only has the Palestinian minority consistently been ignored; it has always been excluded from participating in the peace process itself. Its specific interests and concerns have therefore never been addressed in any of the numerous attempts at Israeli-Palestinian peace-making'¹³⁴

This situation resulted in double marginality of the Palestinian minority in Israel. On one hand they remain marginal to the Palestinian struggle for a national independent state, and on the other hand, they find themselves also excluded from the Israeli national agenda, as Israel defines itself first and foremost as a Jewish- Zionist state. Maybe this explains is Arabs in Israel were described in the academic literature as 'part of the problem but not part of the solution',¹³⁵ the 'forgotten Palestinians',¹³⁶ the 'missing dimension',¹³⁷ and even as 'invisible'.¹³⁸

Recent polls from the current year (2018) showed that a strong majority Arab citizens of Israel were in favour the Two- State solution as the guiding principle to end the Israeli- Palestinian Conflict (83%), compared with a deep decline in the faith of both Palestinians and Israeli Jews in it.¹³⁹ The establishment of a Palestinian State is supported by most Palestinian citizens of Israel not only because it could solve the problem of the their people, but it is also because

¹³³ Dov Waxman, "Israel's Palestinian Minority In The Tw o-State Solution: The Missing Dimension", *Middle East Policy* 18, no. 4 (2011): 68-82, doi:10.1111/j.1475-4967.2011.00511.x.

¹³⁴ Waxman, "Israel's Palestinian Minority In The Tw o-State Solution: The Missing Dimension".

¹³⁵ Sammy Smooha, "Part Of The Problem Or Part Of The Solution: National Security And The Arab Minority", in *National Security And Democracy In Israel* (Boulder and London: Lynne Rienner Publishers, 1993), 105-128.

¹³⁶ Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011).

¹³⁷ Dov Waxman, "Israel's Palestinian Minority In The Tw o-State Solution: The Missing Dimension", *Middle East Policy* 18, no. 4 (2011): 68-82, doi:10.1111/j.1475-4967.2011.00511.x.

¹³⁸ Ron Kronish, "Are Palestinian Arab Citizens Of Israel Still Invisible?", *Huffpost*, 2014, https://www.huffingtonpost.com/ron-kronish/are-palestinian-arab-citi_b_4942948.html.

¹³⁹ E.g. "Palestinian-Israeli Pulse", *Pcpsr.Org*, 2018, <http://www.pcpsr.org/en/node/717>. 46% of both populations support this solution today;

they believe that it would improve their situation within Israel.

It is noticed that despite the significant interest of the Arab citizens in resolving the conflict, their involvement in the peace camp is perceived to be limited.¹⁴⁰ The reason for that refers to their lack of legitimacy from both Israelis and Palestinians, which in turn resulted in their absence not only from the official peace negotiations that have been taking place until now, but also, they are not represented in Israeli or Palestinian Peace-Making Organisation. According to Amnon Be'eri-Sulitzeanu (2018) the Israeli Peace Organisations define themselves as Zionist and this creates an ideological barrier for Arab Citizens who find it very difficult to identify with the Zionist sentiment. Sulitzeanu adds that also the legitimacy of the Israeli Peace-Making Organisations will be questioned in the Israeli mainstream public if they would include Arabs in their activities, hence, they are not welcomed to join them. Meanwhile, the same Israeli majority will question the loyalty of Arab citizens if they join the Palestinian Peace-Making Organisations.¹⁴¹

The issue of legitimacy of Israel's Arab citizens appears to be the source of many of their difficulties within the State. Recent results of the annual public opinion poll of the Israeli Democratic Institute show that the vast majority of Israelis do not want to count the vote of the Palestinian citizens in any future decision regarding national security foreign issue. Accordingly, while the Arab citizens, while being strongly connected to the border Palestinian problem and to the question of the one or Two- State formula, they continue to be excluded from any prospective solution for the Israeli- Palestinian issue.

1.3.4 Internationalisation of Arabs in Israel: Turning points

The internationalisation of the status of the Palestinian Arabs who are Israeli citizens has assumed a key importance in the role of the community in the construction of the Israeli state. It has been on the agenda of the United Nations

¹⁴⁰ Inbal Ben-Ezer, "The Involvement Of Palestinian Citizens Of Israel In The Israeli Peace Camp", *Mitvim.Org.II*, 2018, http://mitvim.org.il/images/Inbal_Ben-Ezer_-_Summary_-_The_involvement_of_Palestinian_citizens_of_Israel_in_the_Israeli_peace_camp_-_March_2018.pdf.

¹⁴¹ Amnon Be'eri-Sulitzeanu, Breakout Session - Palestinian Citizens of Israel: A Key Piece of the Puzzle, Nimrod Goren interview by , TV (J Street, 2018).

since the organisation's earliest days. In fact, their fate was the very first question Israel faced at the UN, when the Arab delegations complained about the treatment of the Palestinian citizens in Israel. One of the charges levelled against Israel raised by El- Khouri, the Syrian delegate to the eleven-member Security Council:

*'Let us see what the Jews have done in that area over which they claim to have authority. They say that there is an Arab minority in their country. Let us agree, for the sake of argument, that the Arabs are a minority there. But the charter of the United Nations and the principles on which the organization is based call for the protection of rights of minorities and prohibit their molestation. How have the Jews in Palestine treated what they call the Arab minority in their area? Where are those Arabs now? They have been dispersed, widely scattered; they are dying of starvation and disease.... Can any state, which has respect for international law or for human rights, deal with minorities in that way and then come before the United Nations and ask to be admitted to membership? Is membership in United Nations the reward that they are to receive for expelling the Arabs in numbers equal to their own, for exposing them to danger and death in other parts of the world? Would it be fair to give consideration to this application for membership when we see how the Jews are dealing with those whom they call a minority in their own country? Seventy or eighty thousand people have been expelled from Jaffa, cast out naked into the desert of Sinai or forced to take to the sea in small boats. The people of Haifa have also been subjected to the same miserable treatment, as have the people of Acre, Tiberias and many other places in Palestine. The Jews having expelled people from their homes on that manner, how can the Security Council now consider them to be a legitimate State, a peace-loving people, a civilized nation?'*¹⁴²

As a result, Israel's first application for UN membership was rejected and it was forced to justify itself before it could succeed in joining the UN organisation on 11 May 1949.¹⁴³ In his address before the United Nations AD Hoc political Committee, which was evaluating this second application, Abba Eban, the representative of Israel at the United Nations declared:

'The Government of Israel reaffirms its obligation to protect the persons and property of all communities living within its borders. It will discountenance any discrimination or interference with the rights and liberties of individual or groups forming such minorities. The Government of Israel looks forward to the restoration of peaceful

¹⁴² "Security Council: Official Records", *Unispal.Un.Org*, 1948,

<https://unispal.un.org/DPA/DPR/unispal.nsf/0/437DD877E349151B052566CE006D9189>.

¹⁴³ Ian Lustick, "Arabs In The Jewish State: Two Sides Of A Coin The Arabs In Israel. Jacob Landau The Arabs In Israel. Sabri Jiryis", *Journal Of Palestine Studies* 6, no. 4 (1980): 130-137, doi:10.2307/2535783. Ian Lustick, *Arabs In The Jewish State: Israel's Control Of A National Minority* (Austin, Tex: Univ. of Texas Press, 1980), 60-61.

*conditions that might enable relaxation of any restrictions on the liberty of persons or property*¹⁴⁴

A brief look at the Israeli Foreign Ministry website shows that Israel refers to the 'armistice agreements' that were signed with its neighbouring Arab States (Lebanon, Egypt and Jordan) as the main reason for its acceptance as a UN member.¹⁴⁵ Clearly, the Israeli narrative ignores the issue of the Arab minority and this is in contrast to the argument that exists in academic literature. In fact, the 1949 'armistice agreement' with Jordan or as it is known the 'Rhodes agreements' was the first an international agreement that dealt with the issue of Arabs in Israel. In this agreement Jordan agreed to hand over Palestinian Arab villages which included about 30,000 Arabs in the area constituting 'the Triangle' in the centre part of the country¹⁴⁶ while this area was never occupied by Israel, but it required it for strategic reason.

In light of the aforementioned background, one might assume rightfully that the issue of the Palestinians who became citizens of Israel has achieved to some extent an international attention during Israel's first two decades. Indeed, some scholars confirm that but assert that this international attention came to end by the termination of Military Government in 1966 and the Six-Day War as since then, a new international discussion has instigated of what has become known as the Palestinian 'problem' or 'question' that focused almost exclusively on Palestinians living in these areas.¹⁴⁷ As Hillel Halkin (2009) puts it:

*'The problem of Israel's Arab citizens has been overshadowed by Israel's prolonged conflict with the Palestinians living in the territories occupied in the 1967 war'*¹⁴⁸

The academic literature highlights the beginning of the 1990s as a positive turning point, which witnessed re- emergence of international interference in the

¹⁴⁴ "Arab And Israeli Views On Rights Of Minorities In Israel", *The Question Of Palestine*, 1949, <https://www.un.org/unispal/document/arab-and-israeli-views-on-rights-of-minorities-in-israel-uncdp-general-cttee-working-paper/>.

¹⁴⁵ "Admission Of Israel To The United Nations - General Assembly Resolution 273", *Mfa.Gov.II*, accessed 6 November 2018, <http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/admission%20of%20israel%20to%20the%20united%20nations-%20general.aspx>.

¹⁴⁶ Ephraim Yaar and Zeev Shavit, *Trends In Israeli Society* (Ra'anana: Open University, 2001). [in Hebrew]

¹⁴⁷ Dov Waxman, "Israel's Palestinian Minority In The Two-State Solution: The Missing Dimension", *Middle East Policy* 18, no. 4 (2011): 68-82, doi:10.1111/j.1475-4967.2011.00511.x.

¹⁴⁸ Hillel Halkin, "The Jewish State & Its Arabs", *Mepeace.Org*, 2009, <http://mepeace.org/forum/topics/the-jewish-state-its-arabs>.

status of the Arab citizens in Israel. It is assumed that no United Nations forum, including the Palestine Committee, had made any decision directly concerning the status of the Arab citizens before these years.¹⁴⁹

The peace process of the 1990s that followed that first Palestinian Intifada (uprising) (1987-1993) has strongly impacted the political and ideological and national agenda of the Arabs in Israel as it made them realise that they have to raise their voice without to rely on neither the Israeli nor the Palestinian sides.¹⁵⁰ For example, The Madrid conference of 1991 that aimed to mediate between Israelis and Palestinians represented a first opportunity for Arab citizens of Israel to voice their complaints but they were disappointed when the PLO rejected to raise their demands at the Conference.

A further frustration was following the signing of the Oslo Accords in 1993 that promised a potential peace agreement between Israel and the Palestinians.¹⁵¹ The fact that no reference was made to the Arabs in Israel in the Oslo Accords ingrained in them an acute sense of disappointment and exclusion.¹⁵² Interestingly, the Oslo Agreements were approved in the Knesset because of the support of Arab MKs who voted with the coalition headed by Yitzhak Rabin government. It was the first and the only Israeli government that legitimised the vote of the Arab citizens. Five Arab votes were the reason that Oslo Accords were promoted.¹⁵³ Yet, the PLO did not have even a formal status to representing the Arabs citizens during the Oslo process. Therefore, many within the Arab community in Israel realised that the answer to their political aspirations would not be fulfilled through the establishment of an independent Palestinian entity,¹⁵⁴ and it became clear that the Israeli Arab leadership would have to raise their own grievances by themselves.¹⁵⁵ The ideological and strategic shift of the Arab leadership was noticed during the 1990s in their

¹⁴⁹ Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259.

¹⁵⁰ Joseph Ginat, Edward J Perkins and Edwin G Corr, *The Middle East Peace Process: Vision Versus Reality* (Brighton: Sussex Academic Press, 2002).

¹⁵¹ Mahmoud M'ari, "Collective Identity Of Palestinians In Israel After Oslo", *International Journal Of Humanities And Social Science* 1, no. 8 (2011), 223-231.

¹⁵² Rekness, "The Arab Minority In Israel: Reconsidering The "1948 Paradigm"", *Israel Studies* 19, no. 2 (2014): 187, doi:10.2979/israelstudies.19.2.187.

¹⁵³ Eli Rekness, "The Arabs Of Israel After Oslo: Localization Of The National Struggle", *Israel Studies* 7, no. 3 (2002): 1-44, doi:10.1353/is.2003.0009.

¹⁵⁴ Rekness, "The Arab Minority In Israel: Reconsidering The "1948 Paradigm"", *Israel Studies* 19, no. 2 (2014): 187, doi:10.2979/israelstudies.19.2.187.

¹⁵⁵ Eli Rekness, "The Arabs Of Israel After Oslo: Localization Of The National Struggle", *Israel Studies* 7, no. 3 (2002): 1-44, doi:10.1353/is.2003.0009.

attempts at developing a system of foreign relations with foreign nations and their representatives in Israel. There were a few notable events where they gained international attention and support. These included in particular inquiries from the USA, criticisms from the UN and the European Committee (EC) regarding their daily life issues of Israel's Arab citizens.

In his academic publications, Alexander Bligh¹⁵⁶ who was himself a Former Adviser for the Israeli Prime Minister (a position that is not existed anymore) introduces a series of events where foreign states intervened in the affairs of the Arab community in Israel.¹⁵⁷ Bligh articles are particularly interesting because he provides first-hand information about this topic. The following sections aim to highlight turning points events where international interference in the domestic status of the Arab citizens took place, or in other words, when internationalisation attempts succeeded:

- The 1991 'Shifter Report' of the U.S. Justice Right Report

The 'Shifter Report' of the U.S. Justice Right Report that was published in 1991 is considered a significant achievement of the Arab leadership in the foreign affairs realm, as it was the first time that the plight of Arab citizens received attention in the State Department's annual report on human rights. It is noticed that the report's tone was positive about the overall Israeli policies; yet, the fact that it dedicated a section to the Israeli policies towards the Arab minority and included a series of figures reflected a shift in the American foreign policy towards them. This change implies that their issue is not anymore, a pure internal Israeli matter.¹⁵⁸ That year, Mr Yitzhak Shamir, who was then the Israeli Prime Minister of Israel, instructed his adviser on Arab affairs to cooperate with the US embassy to prepare annual report on human rights in Israel. Previously, Israel had always argued that the status of its Arab citizens was a domestic issue. In fact, this was the first time that the Israeli government

¹⁵⁶ Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259.

¹⁵⁷ Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", 134-164.

¹⁵⁸ Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", 134-164.

under the Likud bloc recognised that the problems related to the Arab minority were no longer domestic.¹⁵⁹

Yet, it is worth noting that a year later, in July 1992 the United States Ambassador, William Harrop, met with strong opposition from the Israeli government following his statement about the intention of the United States to hold discussions with Israel regarding discrimination of its Arab citizens. These utterances by the US ambassador seemed to create the impression that the United States no longer viewed the issue of Israel's Arab minority as a purely domestic issue. As a result, the General Directors' Committee on the Arab citizens Affairs (as a substitute for the position of the Prime Minister's Adviser on Arab Affairs, which was eliminated and replaced by a lower level position), had the following reply:

*'The Government of Israel does not need the intervention of any non-Israeli factors in handling minority rights'*¹⁶⁰

The statement attributed to the ambassador in relation to the Arab minority within Israel seems to be in line with the international human rights rhetoric that emerged in the aftermath of the failure of the Communist block where the issue of minority rights was on the global agenda. Therefore, it might be said that the American stand was influenced by the human rights climate during the 1990s that allows it to consider the issue of the Arab minority to be on the common agenda of the two nations.¹⁶¹

The internal affairs of Israel's Arab citizens continued to be monitored and reported in the US State Department Human rights Reports that acknowledge their inferior status. For example, the 2012 Report admitted that the Arab citizens are facing institutional discrimination and concluded that:

*'Israel practices "institutional and societal discrimination" against its Palestinian citizens'*¹⁶²

¹⁵⁹ Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259.

¹⁶⁰ Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", 134-164.

¹⁶¹ Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", 134-164.

¹⁶² "Country Reports On Human Rights Practices For 2012", *State.Gov*, 2012, <https://www.state.gov/j/drl/rls/hrrpt/2012humanrightsreport/index.htm?year=2012&dliid=204363#wrapper>.

This understanding of Israel's problematic attitude towards its Arab minority was affirmed again in the 2016 Country Report on Human Rights Practices:

*'... Institutional and social discrimination against Arab citizens of Israel, many of whom identify as Palestinians, particularly with equal access to education, housing and employment opportunities...'*¹⁶³

Interestingly, in 2017 the American attention towards the Arab community within Israel largely focused on the conditions of the Bedouin citizens in the unrecognised villages in the Negev:

*'Arab communities in the country generally faced economic difficulties, including discrepancies in access to healthcare. The Bedouin segment of the Arab population continued to be the most disadvantaged. More than one-half of the estimated 230,000 Bedouin population lived in seven government-planned communities. Approximately 70,000 Bedouins lived in 35 unrecognized tent or shack villages that did not have water and electricity or educational, health, and welfare services. A three-billion-shekel (\$840 million) multi-year plan the government approved in February to promote economic and social development in Bedouin communities excluded the unrecognized villages. In nine of 11 recognized villages, all residences remained unconnected to the electricity grid or to the water infrastructure system, and only seven had high schools, according to the Negev Coexistence Forum for Civil Equality'*¹⁶⁴

Indeed, the issue of the Bedouin citizens in the unrecognised villages in the Negev is much more acute than the rest of the Arab community members who reside in another geographical area in Israel, yet, it does justify neglecting the general challenging political status of the Arab citizens as the 2017 Report attempted to do.

In addition to the criticism on Israel's policy that largely focused on the Bedouin citizens of the 'unrecognised' villages, it is noticed that the name of the annually report was changed from 'Israel Human Rights Report' to 'Israel and the Golan Heights 2017 Human Rights Report'. Clearly, these changes reflect the new pro-Israeli strategic vision of Trump's Administration. Mentioning the Golan Heights, which is defined as an occupied territory under the international law in

¹⁶³ "Israel Human Rights Report For 2016", *Il. Usembassy. Gov*, 2016, <https://il.usembassy.gov/wp-content/uploads/sites/33/2017/04/ISRAEL-and-OT-HRR-2016-HEB.pdf>.

¹⁶⁴ "Israel and the Golan Heights 2017 Human Rights Report", *State. Gov*, 2017, <https://www.state.gov/documents/organization/277489.pdf>.

the headline of the report about the human rights situation in Israel, signals a strong American political statement on the issue.

- The United Nations (UN)

The academic literature highlights January 1992 as turning point in the relations between the Arab citizens and the UN because it was the first time that the petition of Israel's Arab representatives received attention. During this year, the UN's Palestine Committee concluded its discussions with a statement that dealt with the problems of the Arab citizens and included an appendix about the issue.¹⁶⁵ This announcement apparently was based on a draft that was submitted by Arab representatives from Israel who based their claims on the argument that the Israeli- Palestinian conflict is the main reason for their mistreatment within Israel. The UN's statement was a symbolic achievement that increased the desire of the Arab leadership to follow more international forms to redress their grievances.¹⁶⁶

- The EC- The European Community (EC) and the EU

The Israeli –European special relations have their roots in the 1950s when Israel was among the first countries to join the European Community (EC), and have a diplomatic mission in Brussels. Nonetheless, these strong economic ties are not the same when it comes to the diplomatic level. The main reason for that is the Israeli policies that supports settlements in Palestinian territories, which is considered in European eyes a serious obstacle for ending the Israeli- Palestinian conflict. As a result, Israel has been always criticised by European key officials.¹⁶⁷

European criticisms on Israel's policies towards its Arab minority started to evolve during the end of the First Intifada (uprising), that is, between 1991 and 1992. For example, diplomats from EC countries such as France, Britain, Italy and Germany, signalled the support of the European Community for Arab

¹⁶⁵ Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259.

¹⁶⁶ Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", 134-164.

¹⁶⁷ Sharon Pardo and Joel Peters, *Israel And The European Union* (Lanham, Md.: Lexington Books, 2012).

citizens through intense debates over the land dispute with the state's authorities in northern Israel.¹⁶⁸ This interest in the cause of the Arab citizens presented the Israeli government with a challenging diplomatic dilemma. On the one hand it was determined to apply its national plans while on the other one, it did not want to put in risk its relations with foreign diplomats and media. Eventually, the Israeli government asked not to interfere in its relationship with the Arab minority. In response, the EC countries expressed understanding of Israel's stand but in the same breath expressed their dissatisfaction about this matter. For example, the French Ambassador implied that his state does not view the issue of Israel's Arab minority as domestic Israeli matter.¹⁶⁹

Remarkably, in during the 1990s Britain also began to show interest in the status of Israeli Arabs. For few months, high-level British delegates drew their attention to Arab citizens who reside in illegal and unrecognised settlements. Additionally, in the summer of 1992 the British cultural attaché visited Umm al-Fahm and promised to examine the complaints of the local municipality. This visit in particular was seen as a problematic by the government, since Umm al-Fahm is the largest Arab municipality in Israel that at that time was ruled by the Islamic movement. From the state's perspective, the Islamic movement was seen as a fundamentalist that should not be legitimised by foreign diplomats. In May 1992 the State Department of the United States asked for information on the sewage of Kufr- Qassim.¹⁷⁰ The Dutch embassy also expressed interest in a sewage plan of the municipality of the Arab village Jaljuliya.¹⁷¹

The peak of the endeavours to bring Western attention to the cause of Arab citizens occurred in February 1992, when the Galilee Association applied to the International Water Tribunal in Hague, Holland, claiming that Israel was preventing unrecognised Arab villages from access to drinking water.¹⁷² (This will be further discussed in Chapter 5). These efforts of internationalisation were

¹⁶⁸ Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259.

¹⁶⁹ Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", 134-164.

¹⁷⁰ Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", 134-164.

¹⁷¹ Joseph Ginat, Edw ard J Perkins and Edw in G Corr, *The Middle East Peace Process* (Brighton: Sussex Academic Press, 2002).

¹⁷² Joseph Ginat, Edw ard J Perkins and Edw in G Corr, *The Middle East Peace Process* (Brighton: Sussex Academic Press, 2002); Payes 2005

not ignored by the Israeli authorities. Thus, during the 1990s, an official report entitled 'The Arabs of Israel and the International community'¹⁷³ warned from the increasing internationalisation attempts of the Arab citizens.¹⁷⁴

- **October 2000**

The academic literature also refers to the year 2000 as a watershed in the history of the Arab citizens that triggered the increase of their international pleas. The first week of October 2000 marked by massive protests in Arab areas throughout Israel in sympathy with the Second Palestinian Intifada (uprising); during these demonstrations, thirteen Arab civilians were shot dead by Israeli security forces, about thousand were injured, and hundreds were detained. The second week witnessed vigilante Jewish actions against Arab citizens, including attacks on stores, clinics, mosques, and homes.¹⁷⁵ Accordingly, it is believed that the bloody events of October 2000 had increased the need to internationalise the status of the Arab citizens who petitioned the UN in order to ask for an international protection. As Cohen-Almagor (2005) puts it:

*'... Israeli Palestinians were deeply shocked by the fact that their Israeli citizenship had not provided them with any advantages in status compared to their brethren in the occupied territories. That is to say, the citizenship of the Arabs in Israel had not protected them from being targeted with live ammunition by Israel security forces. Moreover, the way in which security forces in the west bank in terms of methods, weapons and intensity. The feeling of Palestinian citizens that their citizenship had not shielded them resulted, for the first time, in appeal, a petition signed by more than 10,000 Arab citizens of Israel, for international protection by the United Nations. The initiative, however, remained just a symbolic act. Nevertheless, it had far-reaching repercussions in terms of an attempt to internationalize the problem of the Arab minority in Israel'*¹⁷⁶

Since then, internationalisation the grievances of the Arab citizens in the aftermath of October 2000, become prominent. For example, the year 2001

¹⁷³Yitzhak Reiter, *National Minority, Regional Majority* (Syracuse, N.Y.: Syracuse University Press, 2009).

¹⁷⁴Joseph Ginat, Edward J Perkins and Edwin G Corr, *The Middle East Peace Process: Vision Versus Reality* (Brighton: Sussex Academic Press, 2002).

¹⁷⁵ Azmi Bishara, "Reflections On October 2000: A Landmark In Jewish-Arab Relations In Israel", *Journal Of Palestine Studies* 30, no. 3 (2001): 54-67, doi:10.1525/jps.2001.30.3.54.

¹⁷⁶ Raphael Cohen-Almagor, "Israeli Democracy At The Crossroads", *Israel Affairs* 11, no. 1 (2005): 254-275, doi:10.1080/1353712042000324553.

marked the first occasion that Israel was officially criticised directly in an official international document regarding its policies towards the Arab citizens including internally Displaced Persons (IDPs) and the 'unrecognised' Bedouin villages.¹⁷⁷

Arab NGOs have also sent two reports to the UN Commission for Human Rights, one of them was regarding the Citizenship Law¹⁷⁸ and as response the UN Committee on the Elimination of Racial Discrimination (CERD) asked Israel for the annulment of the Citizenship Law. In December 2004, the report of the Euro-Mediterranean Human Rights Network (EMHRN) criticized Israel's relations with its Arab citizens. In the same year, the UN Commission on the Elimination of Discrimination against Women (CEDAW) questioned Israel about the rights of the Arab women. A year later, in May 2005 the European Parliament held a discussion on the topic of the Arab minority in Israel at the instigation of the Mossawa (Equality) Advocacy Centre for the Arabs in Israel. As a result, the EU parliament decided to create a lobby for the protection of Israel's Arab rights and declared that the issue would be addressed in each political debate between the EU and Israel.¹⁷⁹

The increasing international involvement in the affairs of the Arab citizens during the 2000 was seen as threat to Israel's global standing. It is noticed that since 2005 the leading Israeli think tank called The Reut Institute, started to publish a yearly warn of the growing international scrutiny and criticism about the relations between the Israeli government and the Arab minority.¹⁸⁰ The Report stated that foreign governments and international organisations have criticised the lack of equality between the Jewish majority and the Arab minority within Israel (e.g. law enforcement and budget allocation), and considered it as a breach of Israeli sovereign discretion.¹⁸¹ Generally speaking, the status of the Arab citizens of Israel is considered as especially sensitive for the Israeli State

¹⁷⁷ Amal Jamal, *Arab Minority Nationalism In Israel: The Politics Of Indignity* (London, New York: Routledge, 2014).

¹⁷⁸ the law prevents Arab citizens from marrying the spouse of their choice and living with this spouse in Israel, if the spouse from the Palestinian territories.

¹⁷⁹ Barak Seener, "Israeli Arabs Between Palestinianization And Islamism", *JCPA*, 2008, <http://jcpa.org/article/israeli-arabs-between-palestinianization-and-islamism/>.

¹⁸⁰ "Internationalization Of The Issue Of Israeli Arabs - Reut Institute", *Reut-Institute.Org*, 2005, <http://reut-institute.org/Publication.aspx?PublicationId=535>.

¹⁸¹ "Building A Political Firewall Against Israel's Delegitimization Conceptual Framework", *Reut-Institute.Org*, 2010, <http://reut-institute.org/data/uploads/PDF/ver/20100310%20Delegitimacy%20Eng.pdf>, 53; "Internationalization Of The Issue Of Israeli Arabs - Reut Institute", *Reut-Institute.Org*, 2005, <http://reut-institute.org/Publication.aspx?PublicationId=535>.

as it is repeatedly leveraged in order to undermine Israel's global standing and delegitimize it.¹⁸²

Another notable international criticism against Israel's treatment of its Arab minority emerged in the 2009 'Goldstone Report' that was produced by the United Nations Fact Finding Mission on the IDF's 22-day offensive on Gaza. The report concluded the results of an independent investigation into all alleged violations of international humanitarian law. Yet, interestingly, it devoted four paragraphs for accusing Israel of mistreatment of its Arab citizens during the war. These included, accusations of giving preferential security to Jewish citizens over Arabs as the state failed to protect its Arab minority against the rocket fire in the same way that it protected Jews.¹⁸³

The internationalisation of the Arab citizens was further elevated following Israel's membership in the OECD in 2010. This move is particularly interesting as it brought an automatic European attention to the civil status of minorities within Israel including the Arab minority that was unintentional. It is because the principle of giving equal opportunities for minorities is among the main policies of the OECD. For example, in 2010 the OECD called Israel to: '[Israel must] Urgently take practical steps to connect Bedouin settlements with electricity, sewerage and transport systems. Continue with efforts to improve their educational opportunities and outcomes, including vocational training'¹⁸⁴

Several European bodies (e.g. European Commission, European Neighbourhood Policy Progress Report "ENPPR") and UN committees have repeatedly expressed concern about the Israeli policies including laws that violate the rights of the Arab minority in Israel. In 2011, the EU Ambassadors wrote a classified report describing the deteriorating status of the Palestinian minority. This paper stated that the EU should consider Israel's treatment of its Palestinian population a 'core issue' rather second tier to the Israeli-Palestinian conflict. It also discussed wider issues related to the civil and the political status

¹⁸² "Building A Political Firewall Against Israel's Delegitimization Conceptual Framework", *Reut-Institute.Org*, 2010, <http://reut-institute.org/data/uploads/PDFVer/20100310%20Delegitimacy%20Eng.pdf>, 92.

¹⁸³ Shlomo Shamir and Barak Ravid, "UN Probe: Israel, Palestinians Both Guilty Of Gaza War Crimes", *Haaretz.Com*, 2009, <http://www.haaretz.com/news/un-probe-israel-palestinians-both-guilty-of-gaza-war-crimes-1.7839>.

¹⁸⁴ Ephraim Lavie, "Arabs In Israel: Between Integration and Alienation", in *Strategic Survey For Israel* (Tel Aviv: Institute for National Security Studies, 2010).

of the Arab minority including the impact of Israel's self-definition as 'Jewish and democratic' on the Arab citizens population and suggested to condemn anti-democratic Israeli laws. Eventually this document was not published due to several objections from EU Member States but was classified as 'food for thought.'¹⁸⁵

It is obvious that the EU is highly aware about the challenges of the Arabs in Israel; yet, the evidences show the EU tend not to focus on the issue of the Arab citizens in its multifaceted relationship with Israel, and European actors openly stated that the Union does not have adequate official policy mechanism to influence the situation of the Arab minority.¹⁸⁶ For example, during 2012 the EU-Israeli Association Council called upon Israel to increase its efforts to 'address the economic and social situation of the Arab minority, to enhance their integration in Israeli society and protect their rights'. However, at the end of the meeting, it was announced that Israel and the EU are willing to expand their mutual cooperation in over fifteenth fields. This elicited criticism by several human right organizations such as Human Rights Watch that in response said, 'the EU's package of benefits gives Israel a green light to continue the violations that European politicians claim to want to end'.¹⁸⁷

Clearly, the international endeavours of the Arab leadership were to a large extent fruitful in a sense the Israeli governments became exposed to increasing international involvement in the status of its Arab citizens. It is argued that these dynamics exemplify a significant gap that has been exposed between Israel's bilateral economic ties, trade relations and security on one hand, and its political-diplomatic situation, on the other. On the surface, Israel's political standing in the international community appears to be strong; it is a regional power in the Middle East and one of the U.S.'s closest allies, it holds close and unique relations with leading states such as Canada, Russia, France, Germany,

¹⁸⁵ Dua' Nakhala, "Shackled At Home: The Palestinian Minority In Israel", *Europarl.Europa.Eu*, 2012, http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dplc/dv/palestinian_minority_/palestinian_minority_en.pdf.

¹⁸⁶ Nathalie Tocci and Benedetta Voltolini, "Eyes Wide Shut: The European Union and The Arab Minority In Israel", *European Foreign Affairs Review* 16, no. 4 (2011): 521-538.

¹⁸⁷ Dua' Nakhala, "Shackled At Home: The Palestinian Minority In Israel", *Europarl.Europa.Eu*, 2012, http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dplc/dv/palestinian_minority_/palestinian_minority_en.pdf.

the UK, Italy, and Australia, it has peace agreements with Jordan and Egypt; and it even joined the prestigious OECD in 2010. Meanwhile, it is continuously criticised by the same states with which it maintains close ties in relations to its policies on the Palestinian issue in general and with regards to the treatment of Arab minority in particular.¹⁸⁸ Perhaps this international political criticism about Israel explains the findings of the 2017 Swiss KOF Index of Globalisation that ranked Israel's political globalisation in a low place (116.3) compared with a more advanced results for the economic (40) and social dimension (34).¹⁸⁹

On the academic level, some Israeli experts acknowledge that the internationalisation process has 'explanatory and political value'.¹⁹⁰ Yet, they believe that it is said to have limited impact on changing Israeli official policies.¹⁹¹

1.4 Research objectives

Given the scant attention to the issue of internationalisation of the rights of the Arab minority in Israel, it is not surprising that the empirical basis of the existing research is relatively thin and relies principally on secondary sources. A deeper approach that uses interviews and other research methodologies to get a clearer view of the motivations, purposes and the conceptualisation of the actors involved is therefore appropriate to achieve a fuller understanding of this process.

The literature does not pay much attention at all to the early period of the existence of the Israeli state. Thus, the efforts to internationalise the violation of human rights of the Arab minority during this period have not been sufficiently studied.

¹⁸⁸ "Building A Political Firewall Against Israel's Delegitimization Conceptual Framework", *Reut-Institute.Org*, 2010, <http://reut-institute.org/data/uploads/PDFVer/20100310%20Delegitimacy%20Eng.pdf>.

¹⁸⁹ "KOF Index Of Globalization", *Ethz.Ch*, 2017, https://www.ethz.ch/content/dam/ethz/special-interest/dual/kof-dam/documents/Globalization/rankings_2017.pdf.

¹⁹⁰ Sammy Smooha, "Arab Jewish Relations In Israel as a Jewish and Democratic State", in *Trends In Israeli Society*, ed. Ephraim Yaar and Ze'ev Shavit (Tel Aviv: The Open University, 2001), 322-323. [in Hebrew]

¹⁹¹ "Protest Among Israeli Arabs: Characteristics, Reasons, And Trends", *Maarachot*, 2014. [in Hebrew]; Sammy Smooha, "Arab Jewish Relations In Israel as a Jewish and Democratic State", in *Trends In Israeli Society*, ed. Ephraim Yaar and Ze'ev Shavit (Tel Aviv: The Open University, 2001), 322-323. [in Hebrew]

The literature focuses primarily on internationalisation efforts by leaders of the Arab minority from the 1990s onward until mid 2000. It acknowledges that there was a positive response from international actors, but the results reported are very general and lack the empirical richness of a closer investigation of the ideas and motives of the actors involved. There is an acknowledgement that there was some success with respect to internationalisation, but the analysis remains superficial.

The period from 2015 onwards has not so far been studied in the academic literature, and this work seeks to remedy this situation by looking very closely at more recent developments in relation to the internationalisation.

In order to go beyond a purely empirical report and achieve a proper analysis of the data, it is proposed to use the spiral model. This model has been used to conceptualise the internalisation of international norms by political systems on a trajectory from authoritarian to democratic forms of governance. Chapter 3 will provide a detailed explanation of the model and how it can be applied to the theme of this research. The model also enables a comparison between various cases of the internationalisation of the violations of the rights of the Arab minority in Israel and provide an understanding to what extent and in what manner it was successful in some and not in others.

1.5 Research questions

The key research questions of this thesis are the following:

1. How can the origins, the purposes and modalities of internationalisation be explained?
2. To what extent did the process of internationalisation achieve its expected objectives and how can its success or failure be evaluated?

The research questions give rise to subsidiary questions:

1. What are the factors that gave rise to the internationalisation process and how can we understand and explain its modalities?
2. What type of instruments do they rely on in their lobbying efforts? What are the main international institutions used to promote internationalisation?
3. How do the efforts by Arab leaders in Israel to internationalise the situation of the Arab minority affect the way in which the targeted international institutions articulate their stance on these issues?
4. How does the Israeli state respond to the international pressure on Israel generated by the efforts to internationalise the situation of the Arab minority in Israel?

1.6 Research hypotheses

1. Internationalisation is partially successful in achieving redress in individual cases, but the behaviour of the Israeli state changed to respond to the international pressures to the minimal extent considered necessary to alleviate possible damage to its reputation.
2. Internationalisation was successful if it relied on using international conventions that Israel had acceded to in order for Israel to avoid being found in violation of its treaty commitments.
3. The process of internationalisation has had the unintended consequence of antagonising and alienating the Jewish majority and contributing to tension, a sense of threat, hostility between the Arab citizens and the state.

1.7 Research methodology

1.7.1 Data collection methods

This study seeks to obtain data that will help to address the dearth of research in relation to the internationalisation mechanism used to address the problems of the Arab minority in Israel by employing qualitative modes of enquiring supported by relevant underpinning theory. For this purpose, a multi-strategy approach called 'Methodological Triangulation'¹⁹² will be adopted to collect data. The method applies primary and secondary data collection techniques. The primary sources consist of nineteen semi-structured broad, open-ended interviews with elite and expert participants, statements and speeches, official documents from EU and UN debates, and closely examined Israeli documentary sources and reports such as key Arabic and Hebrew articles. The secondary sources consist of key case studies from the academic literature, a literature review relevant academic journal articles and other reliable local and international media sources. The case studies are based on three distinct chronological periods where internationalisation is seen to undergo a profound transformation from written documents, to legal actions and finally to personal encounters. The three periods are respectively: 1948-1979, 1992- 2013 and 2015 onwards. These three periods represent cases on which the thesis is built, and evidence several defining moments, which will be analysed according to the social constructivist spiral model and then further triangulated with interviews with key participants who have intimate knowledge with the chosen cases studies.

Following each case study in the three-time periods, a figure will be presented to illustrate visually the internationalisation process through the application of the spiral model, participants in the case studies, the modality of the international activity carried out in each period and the outcome level following application of the spiral model. These figures clearly highlight the impact of the internationalisation strategy for each time period. At the end of each one of

¹⁹² Norman K Denzin, *The Research Act in Sociology: A Theoretical Introduction To Sociological Methods* (Chicago, Ill, 1970).

these three Chapters, a comparison table of the spiral model results in relation to the case studies will be displayed to summaries differences and similarities. A further graph will be presented in the main conclusion (Chapter 7) to illustrate the overall progression or otherwise of the strategy throughout 1948-2017 according to the spiral model.

1.7.2 Target groups

Early engagement with the literature and news online websites revealed that Arab MPs and Arab NGOs are the two key players who are leading cross-border activities. This indicated the best potential interviewees for primary source data. Additionally, Israeli-Arab scholars who were indirectly relevant to this process were contacted based on their expertise in the Israeli Arab-Jewish relations. The Ministry of Foreign Affairs, as well as the EU Delegation to Israel, were also identified as relevant to the internationalisation process. Hence, interviewees selected from 5 categories provided inside knowledge of the current situation.

Fifteen interviewees comprised:

- Seven Arab Parliamentarians from the Arab Joint List party.
- Three representatives of Arab non-governmental organisations in Israel
- The Head of the Higher Follow-up Committee for Arab citizens
- Former Head of the Northern Islamic Movement (before outlawing it)
- Four Academic experts on Israeli Jewish- Arab relations
- Official at the Israeli Ministry of Foreign Affairs (MFA)
- Official at The Delegation of the European Union to Israel

1.8 Contributions of the Study

This thesis has contribution on several levels. Firstly, to date, no systematic investigation has considered the role of both Arab parliamentarians and NGOs of in international activities, and much uncertainty still exists about the impact of the internationalisation process on the relations with the state. So, this thesis has provided a deeper insight into the plight of the Palestinian Arab citizens of Israel. It is the first investigation into a selected series of case studies, which document international appeals made by Arab MPs, NGOs, and extra-parliamentarian movements in Israel from 1948-2017. Thus, it contributes to the evolving literature on the relations between the Arab citizens and the international community. This issue has grown in importance in the light of a recent sharp increase in the number of international petitions, as will be further discussed in the case studies in Chapter 6.

On a theoretical level, this work introduces for the first time the application of the spiral model to an example of a 'hybrid regime'. The original spiral model was intended for authoritarian and repressive regimes,¹⁹³ and later on several studies have used it to evaluate Western democracies alongside the USA.¹⁹⁴ In this study, the model is applied to Israel in relations to its Arab citizens. The period between 1948-1966, whereby the Israeli state identified itself as a democracy but in reality, democratic rights were afforded only to its Jewish citizens. Also, previous studies applied the model with respect to the Israeli-Palestinian conflict as a whole¹⁹⁵ and did not focus on Arab citizens of Israel. So, it is the first time that the spiral model has been tested in the case of Israel and its Arab minority. This use of the spiral model has also raised questions regarding the existing five levels. Therefore, a number of modifications are suggested.

¹⁹³ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (New York: Cambridge University Press, 1999).

¹⁹⁴ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights: From Commitment To Compliance* (New York: Cambridge University Press, 2013).

¹⁹⁵ Laursen, "Israel's Supreme Court And International Human Rights Law : The Judgement On 'Moderate Physical Pressure'", *Nordic Journal Of International Law* 69, no. 4 (2000): 413-447, doi:10.1163/15718100020296396.

Eran Shor, "Conflict, Terrorism, And The Socialization Of Human Rights Norms: The Spiral Model Revisited", *Social Problems* 55, no. 1 (2008): 117-138, doi:10.1525/sp.2008.55.1.117.

Because this work views the question of the Arab citizens of Israel through the lens of internationalisation and by applying the spiral model, it adds an important dimension to explain the internationalisation of the national aspirations of the Arab minority in Israel and as such contributes new understanding to that provided in the existing literature. Therefore, it is hoped that the findings of the current study will attract other authors' and researchers' attention to the issues discussed in this work. Although the Arab minority in Israel is the focus of this thesis, its theoretical implications reach beyond this group. The Arab leadership case is a paradigmatic example of how an ethnic and racial group deals with its challenges through the mechanism of internationalisation, whilst highlighting both success and failure of the process.

1.9 Limitations of the study

One of the most challenging points of this thesis was the issue of measurement, which is also a striking weakness of the concept of soft power that internationalisation based on. It was not always easy to identify the extent to which the various actors or their actions in the internationalisation process are responsible for successful outcomes. For example, the internationalisation processes in 1960s and 1992 were highly successful. Nevertheless, this fails to identify the extent to which local protests and other geostrategic factors contributed to the success of internationalisation.

With regard to the evaluation of the success of the internationalisation process, only the results from 1948-2013 are currently available. This means that the third-time period 2015-2017 cannot offer any significant results. Although this is a notable limitation, it is not unexpected as there is no concrete time limit for evaluating the success of NGOs and parliamentary advocacy. In previous time periods, results of the impact of the strategy have not been available for approximately between four and ten years. Hence, these case studies continue to be of interest now and for the foreseeable future.

Finally, this thesis is focused on Arab citizens of Israel but does not include three groups: the Palestinians residents of East Jerusalem (about 300,000-37% of Jerusalem's population),¹⁹⁶ Druze in the Golan Heights (about 20,000), and Arab Druze living in the Galilee district of Northern Israel (about 110,000 citizens).¹⁹⁷ For different reasons, the minorities they do not share the same national aspirations as those of Arab citizens. Therefore, they are excluded from the analysis of this study.

1.10 The structure of the thesis

This thesis consists of seven Chapters. Chapter 2 presents the existing international mechanisms that are designed to protect minority rights and presents quasi-democratic models in states with a significant minority. The third Chapter introduces the theoretical framework of this study, which is based on the constructivist boomerang-spiral model and presents definitions of relevant theoretical concepts (to internationalisation). Chapters 4,5, and 6 consist of case studies investigating different mechanisms whereby the Arab minority in Israel, represented by their elite, sought to internationalise their fight against discrimination and the denial of their human rights. These case studies are grouped chronologically according to different modalities of internationalisation used. Chapter 4 considers the use of 'public memoranda' sent to international organisations to draw international attention to the mistreatment of the Arab minority in Israel between 1948-1979 [These are: the Kufr-Qassim massacre in 1956, the al-Ard movement in 1964, and the Galilee Judaization Plan in 1975]. The cases were chosen because they underscore the ways in which Israel's Arab elite chose to resist the violation of human rights by turning to the existing international platforms. Also, these events are key dates on the calendar of anniversaries for the Arab citizens inside Israel and considered as defining moments that triggered the use of memoranda as a means of internationalisation. Chapter 5 examines cases involving the use of 'legal and

¹⁹⁶ Yotam Berger and Jack Khoury, "How Many Palestinians Live In Gaza And The West Bank? It's Complicated", *Haaretz.Com*, 2018, <https://www.haaretz.com/israel-news/how-many-palestinians-live-in-gaza-and-the-west-bank-it-s-complicated-1.5956630>.

¹⁹⁷ "Druze In Israel's Golan Heights Rally In Support Of Syria's Assad", *Timesofisrael.Com*, 2018, <https://www.timesofisrael.com/druze-in-israels-golan-heights-rally-in-support-of-syrias-assad/>.

civil advocacy' approaches led by NGOs through invoking international conventions and treaties to compel the Israeli state to change its behaviour (1992-2013). This pattern of internationalisation is one of the multiple modes of resistance that characterise the Bedouin struggles for recognition in Israel. The 1992 case study examines the issue of clean water shortage and unsanitary waste disposal in the 'unrecognised' Bedouin communities in the Northern Israel through a petition to international tribunal. The 2013 case study looks at the 'Prawer-Plan' in relation to the arrangement for thirty-six 'unrecognised' Bedouin villages in the Southern area through international advocacy. Chapter 6 considers the use of 'personal diplomacy' and interaction with key foreign figures and international organisations (2015-2017) as a third pattern of internationalisation promoted by the Arab parliamentarians. These are: The meeting of MK Ahmad Tibi's with the State Department in the US during February 2016, The meeting of MK Ayman Odeh's, the Head of the Joint List, with the Secretary General of the UN in April 2016, and the meeting of the Arab Joint List legislators to Brussels in November 2017. There are a variety of examples that could be provided about the involvement of Arab politicians in international activities. However, these cases were chosen as each one of them exemplifies an unprecedented move in the history of Arab politicians in Israel. All activities will be analysed using the social constructivist spiral model, and empirical data from the interviews conducted with key participants who had an intimate knowledge of the defining moments in these case studies. Finally, Chapter 7 summarises the case studies and introduces the results obtained by the study and analysis of the internationalisation strategy and the application of the spiral model. It presents the answers to the research questions and explains their meaning and limitations as well as the significance for the understanding of the relations between the Israeli state and its Arab minority.

Chapter 2: Protection of minority rights in international law and practice

2.1 Introduction

The current chapter aims to present the existing international mechanisms that are designed to protect minority rights, and the theoretical debate that emerged about them. The first section introduces a historical background in relation to the development of global minority protection before and after the creation League of Nations. Then, the second part moves to review the relevant UN and the EU conventions and declarations of minority rights. The third section, introduces essential conceptual approaches to the issue of internationalisation of minority rights. The fourth part, presents the international mechanisms for state-minority regulations. Finally, the last section examines quasi-democratic models in states with a significant minority.

2.1 Historical Background of the Minority Rights' Protection

2.1.1 Pre-League of Nations

The academic literature shows no consensus on the historical narrative of minority protection prior to the setting up of the League of Nations. While some authors¹⁹⁸ make reference to the seventeenth century as a key period that witnessed the emergence of the issue of the protection of minorities, others highlight the eighteenth and nineteenth century. Some examples include agreements such as the Austro-Ottoman Treaty, signed in 1615, which protected the rights of Protestant minorities of Transylvania.¹⁹⁹ Others refer to the Peace of Westphalia in 1648 which granted freedom to all persons to practise religious faith and which ended the thirty years war between the Holy

¹⁹⁸ E.g. Jennifer Jackson Preece, "Minority Rights In Europe: From Westphalia To Helsinki", *Review Of International Studies* 23, no. 1 (1997): 75-92, doi: 10.1017/s0260210597000752; Patrick Thornberry, "Is There A Phoenix In The Ashes? International Law And Minority Rights", *Texas International Law Journal* 15, no. 3 (1980): 421-58; Joseph S. Roucek, "The Problem Of Minorities And The League Of Nations", *Journal Of Comparative Legislation And International Law* 15, no. 1 (2018): 67-76; Patrick Thornberry, "Is There A Phoenix In The Ashes? International Law And Minority Rights", *Texas International Law Journal* 15, no. 3 (1980): 421-58; Joseph S. Roucek, "The Problem Of Minorities And The League Of Nations", *Journal Of Comparative Legislation And International Law* 15, no. 1 (2018): 67-76.

¹⁹⁹ Joshua Castellino, *Protection Of Minorities And Indigenous Peoples In International Law: A Comparative Temporal Analysis, The Special Issue: Multicultural Policies*, 2010.

Roman Empire and France.²⁰⁰ Another example refers to the Congress of Vienna (1815) following the Napoleonic Wars, which likewise protected minority groups and enhanced the status of Jewish citizens, and in the same year, 1815, the Polish constitution became the first legal document in modern times to grant protection to minorities. These conventions referred to the protection of minority groups living within a territory ruled by a foreign sovereign.²⁰¹

However, it is argued that the European narrative of protecting minorities is biased in that it failed to acknowledge the protection and esteem given to foreigners in Asia, and ignores African humanitarian customs, which prided themselves in affording esteem and human rights to women, children and the elderly.²⁰² Another study that also challenges the European history of minority rights refers to the protection afforded to minority groups in the early seventh century by Prophet Mohammad who drafted the 'Constitution of Medina'.²⁰³ This Constitution was based on Qur'anic law, and gave special protection to the 'people of the book' that is, Jews and Christians, and allowed them freedom to practice their religions and to express their cultural values. It is also believed that European treaties for protecting religious minorities from the 17th were inspired by this Islamic notion of freedom of religious expression.²⁰⁴

2.1.2 The League of Nations

The League of Nations was established in 1919 at the Paris Peace Conference. Its foundation reflected an attempt to support security and peace after the First World War (1914-18) through the protection of minorities worldwide and the internationalisation of their challenges such as political and physical persecution.²⁰⁵ Despite the fact that there were historical antecedents for minority rights (as discussed in the previous section), the League was the first

²⁰⁰ Bardo Fassbender et al., *The Oxford Handbook Of The History Of International Law* (Oxford: Oxford University Press, 2012).

²⁰¹ Patrick Thornberry, *International Law And The Rights Of Minorities* (Oxford: Clarendon Press, 1991).

²⁰² Thomas W. Simon, "Minorities In International Law", *Canadian Journal Of Law And Jurisprudence* no. 508(1997).

²⁰³ Abdulrahim P. Vijapur, "International Protection Of Minority Rights", *International Studies* 43, no. 4 (2006): 367-394, doi:10.1177/002088170604300402.

²⁰⁴ Vijapur, "International Protection Of Minority Rights", 367-394.

²⁰⁵ Fink, Carole. "The League Of Nations And The Minorities Question". *World Affairs* 157, no. 4 (1995): 197-205.

international body that codified the protection of minority rights.²⁰⁶ Notably, unlike previous treaties that were mainly dedicated to religious minorities,²⁰⁷ the League focused on ethnic and linguistic minority groups.²⁰⁸

One of its remarkable achievements of the League was the establishment of the Permanent Court of International Justice (PCIJ) that promoted the notion of internationalisation of the treatment of minorities, dealt with issues of racism against minorities, and supported equality for linguistic, religious and racial minority groups.²⁰⁹ Nonetheless, the league's ambiguous attitude to the principles of self-determination and cultural autonomy for minorities combined with its failure to resolve state-minority conflicts and the vicious events of the Second World War, all resulted in its dissolution and increased the need for establishing an international strategy for regulating States' behaviour.²¹⁰

2.2 The United Nations (UN)

The United Nations is an international organisation that officially supplanted the League of Nations by the end of Second World War in 1945, and as of 2018 it has 193 member states.²¹¹ The work of the United Nations is based on the principles and purposes contained in its founding Charter.²¹² There is a major difference between the provisions adopted to protect minorities by the UN and those that had been set up under the League of Nations.²¹³ One of the most prominent arguments is that minority rights were shadowed after the Second World War by human rights provisions.²¹⁴ Put differently, unlike the League of Nations, which had a constrained, yet specific, approach to the protection of

²⁰⁶ Rehman Hidayat and Muhammad Zubair, "Development Of Minorities' Rights And Critical Analysis Of Contemporary Comparative International Human Rights Law For Their Protection", *International Research Journal Of Social Sciences* 2, no. 27 (2013): 53-58, <http://www.isca.in/IJSS/Archive/v2/i7/8.ISCA-IRJSS-2013-086.pdf>; Jay A Sigler, *Minority Rights. A Comparative Analysis* (Westport: Conn - London Greenwood X, 1983).

²⁰⁷ Jay A Sigler, *Minority Rights. A Comparative Analysis* (Westport: Conn - London Greenwood X, 1983).

²⁰⁸ Fink, Carole. "The League Of Nations And The Minorities Question". *World Affairs* 157, no. 4 (1995): 197-205.

²⁰⁹ Yousef T Jabareen, "The Arab-Palestinian Community In Israel: A Test Case For Collective Rights Under International Law", *The George Washington International Law Review*, 2015.

²¹⁰ Steven Roach, "Minority Rights And An Emergent International Right To Autonomy: A Historical And Normative Assessment", *International Journal On Minority And Group Rights* 11, no. 4 (2004): 418, doi:10.1163/1571811042791184.

²¹¹ "UN: Overview", *Un.Org*, accessed 3 November 2018, <http://www.un.org/en/sections/about-un/overview/index.html>.

²¹² "Charter Of The United Nations And Statute Of The International Court Of Justice", *Treaties.Un.Org*, 1945, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

²¹³ Helmer Rosting, "Protection Of Minorities By The League Of Nations", *The American Journal Of International Law* 17, no. 4 (1923): 641, doi:10.2307/2188655.

²¹⁴ Dragana Kovačević, "International Minority Protection System", *Kas.De*, accessed 2 October 2018, http://www.kas.de/upload/auslands/homepages/serbien/Kovacevic_en.pdf.

minorities, the United Nations displayed an unwillingness to consider the position of minorities as an exclusive matter.²¹⁵ This argument was further supported based on the fact that neither the 1945 United Nation's Charter,²¹⁶ nor the 1948 Universal Declaration of Human Rights (UDHR)²¹⁷ made any direct reference to minorities. These documents were significant because of their focus on individual rights and the principles of equality and non-discrimination, but they did not refer to the concept of minorities. Nonetheless, the UN has gradually increased its attention towards the minority question. The following section presents the existing UN mechanisms that deal with the issue of minorities.

2.2.1 The Existing UN Mechanisms for Minority Protection

Although non-discrimination clauses can be found in all main UN conventions, there are at least nine UN documents that include provisions to ensure ethical and moral codes that aim to protect minority groups. The State of Israel signed these documents:

- Article 11 of the Convention on the Prevention and Punishment of the 1948 Crime of Genocide.²¹⁸ Ratified by Israel in 1950.²¹⁹
- Article 5 of the UNESCO Convention against Discrimination in Education of 1960.²²⁰ Signed by Israel in 1961.²²¹
- Articles 2 and 4 of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 (ICERD).²²² Ratified by Israel in 1979.²²³

²¹⁵ Helen O'Nions, *Minority Rights Protection In International Law* (London: Taylor and Francis, 2016).

²¹⁶ "Charter Of The United Nations And Statute Of The International Court Of Justice", *Treaties.Un.Org*, 1945, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

²¹⁷ "United Nations Universal Declaration Of Human Rights 1948", *Jus.Uio.No*, 1948, <https://www.jus.uio.no/lm/en/pdf/un.universal.declaration.of.human.rights.1948.portrait.letter.pdf>.

²¹⁸ "Convention on the Prevention And Punishment Of The Crime Of Genocide", *Ohchr.Org*, 1948, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx>.

²¹⁹ "International Conventions On Human Rights", *Israel.Org*, 1999, <http://www.israel.org/MFA/MFA-Archive/1999/Pages/International%20Conventions%20on%20Human%20Rights.aspx>.

²²⁰ "Convention Against Discrimination In Education", *Unesco.Org*, 1960, http://www.unesco.org/education/pdf/DISCRIM_E.PDF.

²²¹ "Convention Against Discrimination In Education", *Unesco.Org*, 1960, <http://www.unesco.org/eri/la/convention.asp?order=alpha&language=E&KO=12949>.

- Article 13 of the International Covenant on Economic, Social and Cultural Rights of 1966 (ICESCR).²²⁴ Ratified by Israel in 1991.²²⁵
- Article 27 of the International Covenant on Civil and Political Rights of 1966 (ICCPR).²²⁶ Ratified by Israel in 1991.²²⁷
- Article 5 of the UNESCO Declaration on Race and Racial Prejudice of 1978.²²⁸
- Article 30 of the Convention on the Rights of the Child (CRC) of 1989.²²⁹ Ratified by Israel in 1991.²³⁰
- The Declaration of the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities of 1992.²³¹
- The UN 2007 Declaration on the Rights of Indigenous Peoples.²³² Israel was absent for the vote on this declaration, and did not ratify it.²³³

On the surface it does not look like the UN is neglecting the issue of minorities. However, a deeper look at these conventions and declarations reveals a more problematic picture as will be discussed below. The academic literature²³⁴

²²²"International Convention On The Elimination Of All Forms Of Racial Discrimination", *Ohchr.Org*, 1965, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.

²²³"International Conventions On Human Rights", *Israel.Org*, 1999, <http://www.israel.org/MFA/MFA-Archive/1999/Pages/International%20Conventions%20on%20Human%20Rights.aspx>.

²²⁴"International Covenant On Economic, Social And Cultural Rights", *Ohchr.Org*, 1966, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

²²⁵"UNTC", *Treaties.Un.Org*, accessed 15 October 2018, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-3&chapter=4&clang=_en.

²²⁶"International Covenant On Civil And Political Rights", *Ohchr.Org*, 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

²²⁷"International Conventions On Human Rights", *Israel.Org*, 1999, <http://www.israel.org/MFA/MFA-Archive/1999/Pages/International%20Conventions%20on%20Human%20Rights.aspx>.

²²⁸"Declaration On Race And Racial Prejudice", *Portal.Unesco.Org*, accessed 15 October 2018, http://portal.unesco.org/en/ev.php-URL_ID=13161&URL_DO=DO_TOPIC&URL_SECTION=201.html.

²²⁹"Convention On The Rights Of The Child", *Ohchr.Org*, 1989, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

²³⁰"Children's Rights: Israel", *Loc.Gov*, accessed 15 October 2018, <https://www.loc.gov/law/help/child-rights/israel.php>.

²³¹"Declaration On The Rights Of Persons Belonging To National Or Ethnic, Religious And Linguistic Minorities", *Un.Org*, 1992, <http://www.un.org/documents/ga/res/47/a47r135.htm>.

²³²"Declaration On The Rights Of Indigenous Peoples", *Ohchr.Org*, 2007, <https://www.ohchr.org/en/issues/ipeoples/pages/declaration.aspx>.

²³³"Indigenous Peoples In Israel", *Iwgia.Org*, accessed 1 October 2018, <https://www.iwgia.org/en/israel>; "General Assembly Adopts Declaration On Rights Of Indigenous Peoples; 'Major Step Forward' Towards Human Rights For All, Says President", *Un.Org*, 2007, <https://www.un.org/press/en/2007/ga10612.doc.htm>.

²³⁴Yousef T Jabareen, "The Arab-Palestinian Community In Israel: A Test Case For Collective Rights Under International Law", *The George Washington International Law Review*, 2015, <http://dirasat-aclp.org/files/dyj2015.pdf>

highlights one article and two declarations as central to the case study of the Palestinian Arab minority in Israel. The following section will briefly introduce them and point to their problematic aspects.

2.2.1.1 International Covenant on Civil and Political Rights (ICCPR)²³⁵

Article 27 of the ICCPR has been widely recognised as the first and the sole international legal document that addresses the protection of minority rights.²³⁶ The text of Article 27 of the ICCPR is key and reads as follow:

*'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language'*²³⁷

Despite being described as a milestone achievement, Article 27 was criticised for many reasons. The first criticism refers to the wordings 'in those states in which minorities exist' that as claimed does not regard minority questions as a universal problem, and leaves an opening for individual states to deny that any minority exists within their national boundaries.²³⁸ The second claim was against its general formulation that stressed 'individual rights' rather than to 'groups'. For example, the provision about the protection of minorities' cultures refers to 'persons belonging' to minorities rather than the rights of the minority as such.²³⁹ Furthermore, it is argued that the use of negative language such as 'shall not be denied' does not impose positive obligations on the States. Finally, article 27 was also criticised the lack of attention given to political rights.²⁴⁰ The

²³⁵"International Covenant On Civil And Political Rights", *Ohchr.Org*, 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

²³⁶Yousef T. Jabareen, "Toward Participatory Equality: Protecting Minority Rights Under International Law", *Israel Law Review* 41, no. 03 (2008): 635-676, doi:10.1017/s002122370000039x.

²³⁷"International Covenant On Civil And Political Rights", *Ohchr.Org*, 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

²³⁸Helen O'Nions, *Minority Rights Protection In International Law* (London: Taylor and Francis, 2016).

²³⁹O'Nions, *Minority Rights Protection In International Law*.

²⁴⁰Yousef T Jabareen, "The Arab-Palestinian Community In Israel: A Test Case For Collective Rights Under International Law", *The George Washington International Law Review*, 2015.

ICCPR ratified by Israel in 1991,²⁴¹ and its status as a binding resolution makes its implementation compulsory upon states.²⁴²

2.2.1.2 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) ²⁴³

The 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) is the first international instrument that referred to minority rights as collective rather than individual.²⁴⁴ Unlike Article 27, the Declaration refers to the term 'minorities' rather than 'individuals who belong Minorities', which shows an international intention to legitimise the issue of minorities. It is believed that this Declaration intended to cover the shortcomings of article 27 of ICCPR, and that it was inspired by Western standards of multiculturalism that developed after the collapse of the communist regime in Central and Eastern Europe. Essentially, the 1992 Declaration calls for non- discrimination against minorities, and for granting minorities the right to effectively participate in the decision-making process on the national, and where appropriate, on the regional level. The main noticeable difference between the 1992 Declaration as compared with article 27 of ICCPR, is the positive obligations it imposes on states as appears in Article 1:²⁴⁵

*'states are obliged to protect the existence and the national, or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity. States shall adopt appropriate legislative and other measures to achieve those ends'*²⁴⁶

²⁴¹"International Conventions On Human Rights", *Israel.Org*, 1999, <http://www.israel.org/MFA/MFA-Archive/1999/Pages/International%20Conventions%20on%20Human%20Rights.aspx>.

²⁴²Yousef T Jabareen, "The Arab-Palestinian Community In Israel: A Test Case For Collective Rights Under International Law ", *The George Washington International Law Review*, 2015. <http://dirasat-acip.org/files/dy/2015.pdf>

²⁴³"Declaration On The Rights Of Persons Belonging To National Or Ethnic, Religious And Linguistic Minorities", *Un.Org*, 1992, <http://www.un.org/documents/ga/res/47/a47r135.htm>.

²⁴⁴Yousef T Jabareen, "The Arab-Palestinian Community In Israel: A Test Case For Collective Rights Under International Law ", *The George Washington International Law Review*, 2015.

²⁴⁵ Tove H Malloy and Joseph Marko, *Minority Governance In And Beyond Europe: Celebrating 10 Years Of The European Yearbook Of Minority Issues* (Brill - Nijhoff, 2014).

²⁴⁶"Declaration On The Rights Of Persons Belonging To National Or Ethnic, Religious And Linguistic Minorities", *Ohchr.Org*, 1992, <https://www.ohchr.org/Documents/Publications/GuideMinoritiesDeclarationen.pdf>.

The 1992 document regarded as crucial but it reflects international intentions at best, as it does not carry the same legal weight as the ICCPR. In Other words, it is non-binding instrument and its impact on international law is not clear. Yet, UNDM 'has become the most important frame of reference when questions regarding minorities are discussed'.²⁴⁷ The UNDM was ratified by Israel in 1992.

2.2.1.3 Declaration on the Rights of Indigenous Peoples²⁴⁸

The 2007 U.N. Declaration in the Human Rights of Indigenous peoples has a particular significance in international minority rights law, as it was the first international legal document that expressed the distinct rights of the 'indigenous' people.²⁴⁹ This Declaration acknowledges that the mere reference to individual rights and integration in previous treaties (e.g. the 1992 Declaration on Minorities)²⁵⁰ is in ineffective in supporting the aspirations of the indigenous peoples.²⁵¹ Therefore, this Declaration on the Rights of Indigenous Peoples has greatly expanded and improved the understanding of the Indigenous Peoples as a sub-category of minority groups,²⁵² legitimised and strengthened their claims.²⁵³

Essentially, the literature emphasises two major areas in which the 2007 Declaration contributes to minority rights, particularly, these are in relation to (1) the right to self-determination and autonomy, and (2) land rights as historical rights. It is noticed that one of the most prominent features of indigenous peoples, as opposed to other minorities, is their connection to a geographical area, while this area is regularly exposed to mass confiscations of land that result in prolonged and serious conflict. Therefore, the emphasis on land ownership rights in the 2007 Declaration was considered a major moral

²⁴⁷ Peter Hilpold, "UN Standard-Setting In The Field Of Minority Rights", *International Journal On Minority And Group Rights* 14, no. 2 (2007): 181-205, doi:10.1163/138548707x208809.

²⁴⁸ "United Nations Declaration On The Rights Of Indigenous Peoples", *Un.Org*, 2007, https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

²⁴⁹ "United Nations Declaration On The Rights Of Indigenous Peoples For Indigenous Adolescents", *Files.Unicef.Org*, accessed 17 October 2018, http://files.unicef.org/policyanalysis/rights/files/HRBAP_UN_Rights_Indig_Peoples.pdf.

²⁵⁰ "Declaration On The Rights Of Persons Belonging To National Or Ethnic, Religious And Linguistic Minorities", *Un.Org*, 1992, <http://www.un.org/documents/ga/res/47/a47r135.htm>.

²⁵¹ Yousef T Jabareen, "The Arab-Palestinian Community In Israel: A Test Case For Collective Rights Under International Law", *The George Washington International Law Review*, 2015.

²⁵² Patrick Thornberry, "Is There A Phoenix In The Ashes? International Law And Minority Rights", *Texas International Law Journal* 15, no. 3 (1980): 55.

²⁵³ S. James Anaya, *Indigenous Peoples In International Law* (Oxford: Oxford University Press, 2000).

achievement for indigenous peoples. Nonetheless, on the practical level, issues related to land are still problematic and controversial, and the land rights of indigenous minorities as a collective have not been guaranteed.²⁵⁴

The Declaration on the Rights of Indigenous Peoples was criticised on the ground that it did not address areas such as education, redress and reparations, immigration and citizenship, effective participation in political decisions, linguistic rights and shared national symbols.²⁵⁵ Also, similarly to The 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, despite its significance, the 2007 Declaration, does not have the same legal weight as the ICCPR.²⁵⁶ Rather, it is considered as a 'soft law' due to its nonbinding nature. Most states would not be motivated to sign on a document such as the 2007 Declaration that grants some 'veto power' and autonomy for indigenous peoples as it is seen as threatening their sovereignty as 'cohesive national units'.²⁵⁷

Given the explanation above, it could be said that the UN approach towards minority rights reflects a mixed trend. On the one hand it shows a development in the international approach towards legitimisation of the needs of minorities including granting them collective rights. On the other hand, its most instruments are declarations that countries are not obliged to apply. In any case, the UN seems to give special attention to minorities through its various bodies that deal with monitoring minority rights such as The Office of the United Nations High Commissioner for Human Rights (OHCHR), a post established in 1993 by UN General Assembly; The UN Independent Expert on Minority Issues (former Working Group on Minorities in 1995).²⁵⁸ Apart from the more global provisions in UN conventions and declarations, minority rights are also embedded in regional law mechanisms in Europe as will be detailed below.

²⁵⁴Yousef T Jabareen, "Redefining Minority Rights: Success And Shortcomings Of The U.N. Declaration On The Rights Of Indigenous Peoples", *UC Davis Journal Of International Law And Policy*, 18, no. 119-161 (2012), doi:http://dirasat-aclp.org/files/Yousef_Jabareen_UCDavis_2012.pdf.

²⁵⁵Yousef T Jabareen, "Redefining Minority Rights: Success And Shortcomings Of The U.N. Declaration On The Rights Of Indigenous Peoples", *UC Davis Journal Of International Law And Policy*, 18, no. 119-161 (2012), doi:http://dirasat-aclp.org/files/Yousef_Jabareen_UCDavis_2012.pdf.

²⁵⁶Yousef T Jabareen, "The Arab-Palestinian Community In Israel: A Test Case For Collective Rights Under International Law", *The George Washington International Law Review*, 2015.

²⁵⁷ Abdulrahim P. Vijapur, "International Protection Of Minority Rights", *International Studies* 43, no. 4 (2006): 367-394, doi:10.1177/002088170604300402.

²⁵⁸ "Promoting And Protecting Minority Rights: A Guide For Advocates", *Refworld.Org*, 2012, <http://www.refworld.org/pdfid/5289ce5b4.pdf>.

2.3 Codification of minority rights in Europe

The importance of protecting minority rights in European nations as a national security interest refers to the fact that they have many national minorities within their territories. The recent history of Europe has demonstrated that protection of national minorities is an essential condition to maintain security and peace.²⁵⁹ The academic literature highlights the fact that the question of minority rights had received scant international attention until the vast revolutionary impulses swept Eastern Europe in the late 1980s and toppled the Soviet empire. Since then, the internationalisation of the issues experienced by national minorities became more prevalent practice.²⁶⁰ The primary aim of internationalisation was to counter the threat of increased ethnic violence in Central and Eastern through monitoring the adherence of these countries to European standards. Accordingly, from the early 1990s onwards, several international and regional human rights instruments that included minority rights provisions were adopted.

The EU standards for minority protection and non-discrimination are mainly codified under three international groups working jointly, though not always were working actively and in full agreement.²⁶¹ These bodies are the Council of Europe (CoE) and the Organization for Security and Co-operation in Europe (OSCE), and, more recently, the EU, although in a limited way.²⁶² The following sections summarise the role of each one of these organisations including their mechanism to protect minority rights.

2.3.1 The Council of Europe (CoE)

The Council of Europe (CoE) was created in 1950s as a regional intergovernmental organisation to promote democracy and human rights.²⁶³ The

²⁵⁹ Carole Fink, "Minority Rights As An International Question", *Contemporary European History* 9, no. 3 (2000): 385-400, doi:10.1017/s0960777300003052.

²⁶⁰ Elie Rekhess, "The Arab Minority In Israel: Reconsidering The "1948 Paradigm"", *Israel Studies* 19, no. 2 (2014): 187, doi:10.2979/israelstudies.19.2.187.

²⁶¹ Carrera, Sergio, Elspeth Guild, Lina Vosyliute, and Petra Bard. "Towards A Comprehensive EU Protection System For Minorities". *Aei.Pitt.Edu*, 2017. <http://aei.pitt.edu/89762/1/ProtectionSystemForMinorities.pdf>.

²⁶² Antonija Petričušić, "The Rights Of Minorities In International Law : Tracing Developments In Normative Arrangements Of International Organizations", *Croatian International Relations Review* no. 3839 (2005).

²⁶³ Halida Nasic, "Minority Rights Instruments And Mechanisms: Minority Protection Along The Conflict Continuum", *Eurac.Edu*, 2007,

CoE commenced its work with the adoption of the European Convention for the protection of Human Rights and basic freedoms (ECHR)²⁶⁴ that did not differentiate minority rights from individual human rights granted to all.²⁶⁵ Yet, a remarkable development occurred in 1995 when a minority rights protocol was added to the ECHR that became known as the European Social Charter (revised) of 1996.²⁶⁶

The CoE has gradually promoted instruments to protect minority rights. Most prominently the 1992 European Charter for Regional or Minority Languages²⁶⁷ and the 1995 Framework Convention for the Protection of National Minorities (FCNM),²⁶⁸ which is considered the first legally binding document that offered protection for 'national minorities'.²⁶⁹ It is argued that the 1995 FCNM aim was to develop specific norms in relation to the category of 'national minority' to move beyond the UN's 'indigenous' versus 'minority' dichotomy.²⁷⁰ This Convention calls for full and effective equality of people belonging to national minorities in all areas of life to allow them preserve, express and develop their distinctive identity.²⁷¹ According to Article 17 (2) of the convention, states are not allowed to interfere with the right of individuals belonging to national minorities to participate in non-governmental activities at the national and international levels. Put differently, states have to respect of national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other states, particularly those with whom they share an ethnic, cultural, linguistic or religious identity or a common cultural heritage.²⁷²

<http://www.eurac.edu/en/research/autonomies/minrig/Documents/Mirico/Report%20on%20HR%20instruments%20WEB.pdf>.

²⁶⁴ "Convention For The Protection Of Human Rights And Fundamental Freedoms", *Echr.Coe.Int*, 1950, https://www.echr.coe.int/Documents/Convention_ENG.pdf.

²⁶⁵ Yousef T. Jabareen, "Toward Participatory Equality: Protecting Minority Rights Under International Law", *Israel Law Review* 41, no. 03 (2008): 635-676, doi:10.1017/s002122370000039x.

²⁶⁶ Sergio Carrera et al., *Towards A Comprehensive EU Protection System For Minorities*. (European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs, 2017), [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596802/IPOL_STU\(2017\)596802_EN.pdf#page55](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596802/IPOL_STU(2017)596802_EN.pdf#page55).

²⁶⁷ "European Charter For Regional Or Minority Languages", *Treaty Office*, 1992, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680695175>.

²⁶⁸ "Framework Convention For The Protection Of National Minorities", *Rm.Coe.Int*, 1995, <https://rm.coe.int/16800c10cf>.

²⁶⁹ Nasic, Halida. "Minority Rights Instruments And Mechanisms: Minority Protection Along The Conflict Continuum". *Eurac.Edu*, 2007.

²⁷⁰ Will Kymlicka, "The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 111-141.

²⁷¹ Nasic, Halida. "Minority Rights Instruments And Mechanisms: Minority Protection Along The Conflict Continuum". *Eurac.Edu*, 2007.

²⁷² Bartosz Hordecki, "Freedom Of Conscience And Religion In The Documents Of The Council Of Europe: Selected Issues SSUES", *Wnpid.Amu.Edu.Pl*, 2014, <https://wnpid.amu.edu.pl/~wnpid/attachments/article/2894/035-046.pdf>.

Analysis of the 1995 Convention reveals that while it only applies to national minorities; it fails to define the 'national minority' as is drafted to 'people belonging to minorities'. The Charter recognises that 'ethnic, cultural, linguistic and religious identities of national minorities will be protected' and that 'individuals belonging to minorities have the right to express, preserve and develop their identity without discrimination and full equality before the 'law'. The lack of definition of 'national minority is further aggravated by the 'margin of appreciation'; States parties are given the discretion to qualify the minorities who can benefit from the Convention.²⁷³ The CoE formulates legally binding rules protecting human and minority rights and it also has a supervisory role over judgements made by the European Court of Human Rights in Strasbourg.²⁷⁴

2.3.2 The Organization for Security and Co-operation in Europe (OSCE)

The Organisation for Security and Co-operation in Europe (OSCE) was created in 1975 (as the CSCE) during the Cold War²⁷⁵ as a framework for collective security in Europe, which contained political mechanisms for promoting the protection of minorities, and identification of early solutions for ethnic distress that might threaten stability and peace.²⁷⁶ It has fifty-six-member States including European countries, former Soviet Union states, Canada and the United States.²⁷⁷

It is believed that internationalisation of the question of minority rights was promoted firstly by the OSCE between the years 1989-1999 as part of the organisation's endeavors to gain an international profile as a leading post- Cold-

²⁷³Rehman Hidayat and Muhammad Zubair, "Development Of Minorities' Rights And Critical Analysis Of Contemporary Comparative International Human Rights Law For Their Protection", *International Research Journal Of Social Sciences* 2, no. 27 (2013): 53-58, <http://www.isca.in/IJSS/Archive/v2/i7/8.ISCA-IRJSS-2013-086.pdf>.

²⁷⁴"National Minority Issues", *Osce.Org*, accessed 16 October 2018, <https://www.osce.org/national-minority-issues>.

²⁷⁵Nasic, Halida. "Minority Rights Instruments And Mechanisms: Minority Protection Along The Conflict Continuum". *Eurac.Edu*, 2007.

<http://www.eurac.edu/en/research/autonomies/minrig/Documents/Mirico/Report%20on%20HR%20instruments%20WEB.pdf>.

²⁷⁶"National Minority Issues", *Osce.Org*, accessed 16 October 2018, <https://www.osce.org/national-minority-issues>.

²⁷⁷Nasic, Halida. "Minority Rights Instruments And Mechanisms: Minority Protection Along The Conflict Continuum". *Eurac.Edu*, 2007.

<http://www.eurac.edu/en/research/autonomies/minrig/Documents/Mirico/Report%20on%20HR%20instruments%20WEB.pdf>.

War institution that set standards for the 'new democracies' to ensure peaceful Europe.²⁷⁸ The academic literature²⁷⁹ stresses the 1991 report that all OSCE member states signed it to protect minority rights and confirm that the issue is beyond the states' borders:

*'issues concerning national minorities, as well as compliance with international obligation and commitments concerning the rights of belonging to them, are matters of legitimate international concern and, consequently, do not constitute exclusively an internal affair of respective state'*²⁸⁰

The OSCE standards on minority protection are largely reflected in Articles 31-35 of the 1990 Copenhagen document,²⁸¹ and the 1998 Oslo Recommendations on Linguistic Rights of National Minorities. While the latter include significant provisions in the domain of language rights, the 1998 Oslo Recommendations on Linguistic provides a reflects the development of minority language policies, including the use of languages in education, religion, media, community life and non-governmental organisations (NGOs), as well as in communications with public authorities, in judicial proceedings and in the operation of private businesses.²⁸²

2.3.3 The European Union

The European Union's role evolved in the aftermath of the collapse of the Soviet Union. Its Pact on Stability (1995) laid down the political ground rules for former communist satellite countries seeking EU membership. This has led to a number of treaties enshrining the rights of minorities in domestic policies.

²⁷⁸ David Chandler, "Internationalisation Of Minority Rights In Europe", in *Ethnicity And Democratisation In The New Europe* (Routledge: Taylor & Francis Group, 1999).

²⁷⁹ E.g. Francesco Palermo and Natalie Sabanadze, *National Minorities In Inter-State Relations* (Leiden & Boston: Martinus Nijhoff, n.d.).

²⁸⁰ "Report Of The CSCE Meeting Of Experts On National Minorities, Geneva 1991", *Osce.Org*, 1991, <https://www.osce.org/hcnm/14588?download=true>.

²⁸¹ Document Of The Copenhagen Meeting Of The Conference On The Human Dimension Of The CSCE", *Osce.Org*, 2018, <https://www.osce.org/odihr/elections/14304?download=true>.

Sergio Carrera et al., *Towards A Comprehensive EU Protection System For Minorities*. (European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs, 2017).

²⁸² "The Oslo Recommendations Regarding The Linguistic Rights Of National Minorities & Explanatory Note", *Osce.Org*, 1998, <https://www.osce.org/hcnm/oslo-recommendations?download=true>.

Therefore, the EU insists upon respect for human and minority rights amongst its current and prospective members.²⁸³

In recent decades, the European Union (EU) has developed a number of mechanisms to ensure that minorities are treated with respect and that their rights are protected. The Union's attitudes towards the protection for minority rights are manifested in the work of number mechanisms. These include the European Council/ Commission, the European Monitoring Centre on Racism and Xenophobia (EUMC), the EU Network of Independent Expert, and the work of the European Court of Justice (ECJ). Clearly the EU does not have a distinct implementation body on minority rights, nevertheless, these mechanisms show the special attention it pays for anti-discrimination minorities.²⁸⁴

Although Israel is not a member state of the EU, it defines itself as a democracy that in many ways aspires to emulate European standards in order to maintain strong relations with Western countries and the EU. It is also bound to follow several EU-Israel agreements that contain human rights obligations.²⁸⁵ Israeli experts claim that its own interpretation of international law is in line with other Western countries such as the US and UK. It is also believed that Israel meets all the requirements of international law in relation to the protection of the collective rights of minorities, and that Israel even allows a lot more than required according to the international official documents. ²⁸⁶

²⁸³ Tawhida Ahmed, "The EU'S Relationship With Minority Rights", in *Cultural Governance And The European Union: Protecting And Promoting Cultural Diversity In Europe* (Palgrave Macmillan UK, 2015).

²⁸⁴ Halida Nasic, "Minority Rights Instruments And Mechanisms: Minority Protection Along The Conflict Continuum", *Eurac.Edu*, 2007, <http://www.eurac.edu/en/research/autonomies/minrig/Documents/Mirico/Report%20on%20HR%20instruments%20WEB.pdf>.

²⁸⁵ Nathalie Tocci and Benedetta Voltolini, "Eyes Wide Shut: The European Union And The Arab Minority In Israel", *European Foreign Affairs Review* 16, no. 4 (2011): 521-538.

²⁸⁶ Ruth Gavison and Tali Balfour, "Collective Rights Of Minorities", *Metzilah.Org.II*, 2005, http://www.metzilah.org.il/webfiles/fck/file/zchuyot_kibutzut_shel_miutim.pdf. [in Hebrew]

2.4 Conceptual approaches to the internationalisation of minority rights

2.4.1 Minority

The definition of minorities is contested, as there is no legally binding and agreed definition of the concept under international law to date.²⁸⁷ The most universally accepted definition of the term 'minority group' lies within the framework of Article 27 of the Covenant on Civil and Political Rights (ICCPR).²⁸⁸ It was developed in 1977 by Francesco Capotorti, a Special Reporter of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

*'group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language'*²⁸⁹

While the definition involves the combining of objective and subjective characteristics, some theorists emphasise objective markers of identity, such as race, language, or religion that distinguish members of minorities from other sub-state communities. Others focus on subjective characteristics, such as belief in common descent or possession of a shared culture. Most theorists insist that minorities can only be defined by a combination of objective and subjective elements.²⁹⁰ Typically, the following elements are included in most of alternative legal definitions of minority (only varying slightly from Capotorti's 'general line of demarcation'):

1. To be a citizen of, or reside in a state which is awarding minority status
2. To be at a numerical disadvantage

²⁸⁷ John Packer and Kristian Myntti, *The Protection Of Ethnic And Linguistic Minorities In Europe* (Turko/Åbo, Finland: Institute for Human Rights, Åbo Akademi University, 1993).

²⁸⁸ "International Covenant On Civil And Political Rights", *Ohchr.Org*, 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

²⁸⁹ Francesco Capotorti, *Study Of The Rights Of Persons Belonging To Ethnic, Religious And Linguistic Minorities* (New York: United Nations, 1979).

²⁹⁰ Louis B. Sohn, *The Rights of Minorities*, in *The International Bill of Rights: The Covenant on Civil and Political Rights* 270, 276-80 (Louis Henkin ed., 1981).

3. Whose members share common characteristics of an ethnic, cultural, religious, or linguistic characteristics that distinguish them from the rest of a country's population
4. To preserve distinctive cultural characteristics such as language, religion and ethnicity²⁹¹

Whereas the first three criteria are objective, the fourth is subjective and, as such, is determined by the group itself. Commentators refer to the lack of accepted definition of the 'minority' concept, and point to the traditional antipathy and 'fear' that talk of minority rights invoke in national governments as a source for the complexity of the issue.²⁹² A major obstacle to affording special rights for minorities, both at international and regional level, may reside in the absence of a generally agreed definition of minorities.²⁹³ It seems paradoxical to discuss the rights of 'people' who could not yet be identified.

Due to the lack of a universal definition of the term of minority, it is a decision of each state whether to recognise a certain group of its citizens as a minority and support their protection. Admittedly, the recognition of minorities within states is the precondition for their rights.²⁹⁴ Although under international law, the Arab citizens in Israel meet the definition of national, ethnic, linguistic, and religious minority, they are not recognised as such under the Israeli law.²⁹⁵

There is almost a large tendency within the international community to distinguish between two categories of ethno-cultural groups, 'old minorities' and 'new minorities'.²⁹⁶ This distinction is found in international law and the policies of almost every European State and it has legal implications.²⁹⁷ Some common cultural and civil rights are provided to all ethno-minorities; yet, there are

²⁹¹ Roberta Medda-Windischer, *Old and New Minorities: Reconciling Diversity and Cohesion, A Human Rights Model for Minority Integration* (Nomos, Baden-Baden, 2009)

²⁹² John Packer, *On the Definition of Minorities*, in *The Protection of Ethnic and Linguistic Minorities in Europe*. Abo Akademie Univ. 24-7 (John Packer & Kristian Myntti eds., 1993).

²⁹³ Olivier De Schutter, *International Human Rights Law: Cases, Materials, Commentary* (Cambridge: Cambridge University Press, 2010), 713.

²⁹⁴ Petričušić, "The Rights Of Minorities In International Law: Tracing Developments In Normative Arrangements Of International Organizations", 3-839 (2005).

²⁹⁵ "Palestinian Citizens Of Israel: A Primer", *Adalah.Org*, accessed 28 September 2018, https://www.adalah.org/uploads/uploads/Palestinian_Citizens_of%20Israel_Adah_July_2017.pdf.

²⁹⁶ Will Kymlicka, "The Internationalization Of Minority Rights", *International Journal Of Constitutional Law* 6, no. 1 (2008): 1-32, doi:10.1093/icon/mom032

²⁹⁷ Yousef T Jabareen, "The Arab-Palestinian Community In Israel: A Test Case For Collective Rights Under International Law", *The George Washington International Law Review*, 2015.

specific rights that guaranteed only to certain groups. These precise groups differ from state to state, but they normally meet the same basic definition.²⁹⁸

2.4.2 'Old minorities'

'Old minorities' are defined as ethnic groups, which, for different reasons, did not achieve their own state; rather they became part of a larger state or several ones.²⁹⁹ 'Old minorities' are often also termed as 'homeland minorities' since they were historically settled on their land for a long time and, as a result of historic circumstances; they began to see that part of the state as their historic homeland.³⁰⁰ There are broad categories of 'old' and 'new minorities'. The theory distinguishes between two types of 'old minority' groups: 'indigenous peoples', 'national minorities'.³⁰¹

2.4.3 'Indigenous peoples'

The term 'indigenous peoples' emerged in the context of 'New World Settler' countries to describe descendants of the native non-Europeans who are living in territories that was colonised by Western powers.³⁰²

Like the concept 'minority', there is no universally accepted definition of indigenous peoples. The most widely accepted definition of an indigenous people is the one given by Jose Martinez-Cobo, Special Rapporteur of the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, in his well-known study on the Problem of Discrimination against Indigenous Populations.³⁰³ Cobo's definition is based on four criteria: first, priority in time; second, voluntary perpetuation of cultural uniqueness; third, self-identification as indigenous; and fourth, the experience of marginalisation, subjugation,

²⁹⁸ Sujit Choudhry, *Constitutional Design For Divided Societies: Integration Or Accommodation?* (Oxford: Oxford Univ. Press, 2010).

²⁹⁹ Roberta Medda-Windischer, "The Nexus Between Old And New Minorities", *Juwiss.De*, 2017, <https://www.juwiss.de/108-2017/>.

³⁰⁰ Will Kymlicka, "The Internationalization Of Minority Rights", *International Journal Of Constitutional Law* 6, no. 1 (2008): 1-32, doi:10.1093/icon/mom032; Sujit Choudhry, *Constitutional Design For Divided Societies: Integration Or Accommodation?* (Oxford: Oxford Univ. Press, 2010).

³⁰¹ Kymlicka, "The Internationalization Of Minority Rights".

³⁰² Will Kymlicka, "The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 111-141.

³⁰³ José R Martínez Cobo, *Study Of The Problem Of Discrimination Against Indigenous Populations* (New York: United Nations, 1987).

discrimination, exclusion and dispossession by the dominant population in a society. Self-identification, which reflects the group's self-consciousness, is considered as one of the essential tenets of the establishment of indigenous peoples.³⁰⁴ The element of self-definition in the discourse of indigenism was also amplified in the United Nations through Article 33 (1) in the 2007 Indigenous Peoples Declaration.³⁰⁵

There are two explicit international legal instruments that were designed to protect the rights of indigenous peoples: Convention 107 of the International Labour Organisation (ILO) that was adopted in 1957,³⁰⁶ and the 2007 Declaration on the Rights of Indigenous Peoples (UNDRIP).³⁰⁷ The former convention was criticised on the ground of its assimilationist policy. Consequently, a new convention on Indigenous and Tribal Peoples (Convention 169)³⁰⁸ that acknowledges the rights of indigenous people was adopted by the ILO in 1989. This Convention calls states to respect the lifestyle of Indigenous and Tribal Peoples, and stresses their duty to consult with indigenous peoples about decisions that have a direct impact on their life.³⁰⁹ Convention 169 enacted in 1991 and acts as a law to protect indigenous people's rights but its application was very restricted due to the fact that it was ratified only by few states. Israel is not a party to the ILO Convention 169 as it did not ratify it, and it is accused of violating parts of its articles.³¹⁰

The Second fundamental international instrument for the protection of indigenous people's rights is the 2007 Declaration on the Rights of Indigenous Peoples (UNDRIP)³¹¹ adopted by UN General Assembly and purports that the indigenous population have a much greater entitlement to self-government than minorities have and have land rights as historical rights. UNDRIP is not subject

³⁰⁴S. James Anaya, *Indigenous Peoples In International Law* (Oxford: Oxford University Press, 2000).

³⁰⁵José R Martínez Cobo, *Study Of The Problem Of Discrimination Against Indigenous Populations* (New York: United Nations, 1987).

³⁰⁶"Indigenous And Tribal Populations Convention, 1957 (No. 107)", *Ilo.Org*, 1957, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::55:P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C107,/Document.

³⁰⁷"United Nations Declaration On The Rights Of Indigenous Peoples", *Un.Org*, 2007, https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

³⁰⁸Convention C169 - Indigenous And Tribal Peoples Convention, 1989 (No. 169)", *Ilo.Org*, 1989, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169.

³⁰⁹Abdulrahim P. Vijapur, "International Protection Of Minority Rights", *International Studies* 43, no. 4 (2006): 367-394, doi:10.1177/002088170604300402.

³¹⁰"Indigenous Peoples In Israel", *Iwgia.Org*, accessed 1 October 2018, <https://www.iwgia.org/en/israel>.

³¹¹"United Nations Declaration On The Rights Of Indigenous Peoples", *Un.Org*, 2007, https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

to ratification and, hence, does not have a legally binding status. (this will be discussed in the next section).

The indigenous rights movement in the second half of the 20th century and developments in recently established UN forums have increased global awareness of indigenous people's living conditions and strengthened their collective rights at UN and regional levels. According to the UN, indigenous people have much stronger claims to self-government than minorities; United Nations offers special mandates and mechanisms that are dedicated specifically to protecting their rights.³¹² These include the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the Working Group in Indigenous Populations (WGIP), the Permanent Forum on Indigenous Issues (PFII) and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples (SR). Also, there are several (international) organisations that promote, safeguard or at least acknowledge indigenous people's rights such as the Indigenous World Association (IWA), Amnesty International (AI), the Minority Rights Group International (MRG), and other non-governmental organizations (NGOs) including.

Indigenous peoples are seen among the most disadvantaged and vulnerable groups of people in the world today. The international community now recognises that special measures are required to protect the rights of the world's indigenous peoples. Indigenous peoples around the world have sought recognition of their identities, their ways of life and their right to traditional lands, territories and natural resources yet, throughout history, their rights have been violated. Indigenous minority community of a country has more rights, on the level of language, culture and identity, than immigrants who come from another country.

While the political elite of the Arab citizens defines the Arab minority as indigenous people, the academic literature and international bodies mainly focus on the Bedouin in Israel as indigenous people of Israel. However, their

³¹²"Minority Rights: International Standards And Guidance For Implementation", *Ohchr.Org*, 2010, https://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf.

indigenous status is not officially recognised by the State of Israel and the Bedouins are politically, socially, economically and culturally marginalised from the rest of the Israeli population, especially challenged in terms of forced displacement.³¹³ The inclusion of the Bedouins in the category of indigenous peoples derives from the definition carried by 1989 ILO Convention No. 169 concerning Indigenous and Tribal Peoples Convention:

*'peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions'*³¹⁴

2.4.4 National minorities

Similarly to 'indigenous people', 'national minority' is also considered a homeland group.³¹⁵ However, while the former have been colonised by a Western power, the latter was integrated in a larger territory by a neighbouring European country, but remain connected to their so-called original or 'external national homeland' that is also described as 'kin-state' or 'mother-state'.³¹⁶ History showed that minorities without a 'mother-state' had been especially vulnerable before, during and after the two World Wars.³¹⁷ There is no clear definition of the concept 'National minority'. Yet, this group received special recognition in the European Parliamentary Assembly's Recommendation 1134 (1990):

*'Separate or distinct groups, well defined and established on the territory of a state, the members of which are nationals of that state and have certain religious, linguistic, cultural or other characteristics which distinguish them from the majority of the population'*³¹⁸

³¹³"Indigenous Peoples In Israel", *Iwgia.Org*, accessed 1 October 2018, <https://www.iwgia.org/en/israel>.

³¹⁴"Convention C169 - Indigenous And Tribal Peoples Convention, 1989 (No. 169)", *Ilo.Org*, 1989, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169

³¹⁵Draft Treaty establishing Constitution for Europe, art. 11-21(1), CONV 850/03, at <http://european-convention.eu.int/docs/treaty/cv00850.en03.pdf> (July 18, 2003). 24. David Wippman, The Evolution and Implementation of Minority Rights, 66 FORDHAM L. REV. 597, 599(1997).

³¹⁶Roberta Medda-Windischer, "The Nexus Between Old And New Minorities", *Juwiss.De*, 2017, <https://www.juwiss.de/108-2017/>.

³¹⁷Dragana Kovačević, "International Minority Protection System", *Kas.De*, accessed 2 October 2018, http://www.kas.de/upload/auslandshomepages/serbien/Kovacevic_en.pdf.

³¹⁸Recommendation 1134 (1990)

There is no recognition under international law (the UN) for national minorities. This category was created in the European legal system in 1995 through the Council of Europe's (CoE) Framework Convention for the Protection of National Minorities (FCNM).³¹⁹ In this sense, it might be said that the Arab citizens in Israel are doubly vulnerable. First of all the state of Israel still refuses to offer them recognition or protection as members of a national minority in domestic law. Even though they meet the definition of an old-homeland minority (both indigenous and national minority alike), they still not officially recognised by the state as such. So far, the Arab citizens within Israel are seen as members of religious groups and they are often described in internal official documents as 'Minorities'. They enjoy a status of an ethnic, but not, a national minority,³²⁰ and their rights as a national minority are restricted. The second major challenge for Arabs in Israel is that their national affiliation towards what is supposed to represent their 'kin-state', that is, the Palestinian State, is not recognised by the Israeli State due to a prolonged conflict.

2.4.5 'Homeland minorities'

The term 'Homeland minority' refers to a non-dominant group who remained in their homeland, and as a result of historical circumstances such as war or colonialism, their status was transformed from majority to minority.³²¹ 'Homeland minorities' share common features of both national and indigenous minorities.³²²

2.4.6 'New' minorities/ Immigrant minorities

'New minorities' which is also known as 'immigrant ethnic groups'³²³ has been generally used in order to describe minority groups resulted from post Second

³¹⁹ Antonija Petričušić, "The Rights Of Minorities In International Law : Tracing Developments In Normative Arrangements Of International Organizations", *Croatian International Relations Review* no. 3839 (2005).

³²⁰ Sammy Smooha, "Class, Ethnic, And National Cleavages And Democracy In Israel" (Boulder and London: Lynne Rienner, 1993), 309-342, <https://poli.hevra.haifa.ac.il/~s.smooha/download/ClassEthnicandNationalCleavages.pdf>.

³²¹ Naeem Jeenah, *Pretending Democracy: Israel, And Ethnocratic State* (Oxford: Afro-Middle East Centre, 2013).

³²² Will Kymlicka, "The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 111-141.

³²³ Roberta Medda-Windischer, "The Nexus Between Old And New Minorities", *Juwiss.De*, 2017, <https://www.juwiss.de/108-2017/>.

World War immigration.³²⁴ Accordingly, these new groups refer to those who settle in an independent state as immigrants or refugee.³²⁵ This group of minorities include different subcategories with different legal statuses such as illegal immigrants, short-term guest workers and permanent immigrants.³²⁶

‘New minorities’ have been defined in opposition to ‘national minorities’ while the two groups share some basic common claims and aspirations such as the right to existence, the right to non-discrimination and equality, the right to diversity and identity, the right to the meaningful participation in economic, cultural, and social life in civic matters. Yet, in international law, the instruments to protect minority rights have been traditionally conceived for, and applied to old minority groups with the exclusion of new minority groups originating from migration. Overall, the importance for protecting both ‘old’ and ‘new’ minorities stems of necessity to maintain and promote security and peace, protect human rights and cultural diversity, and to ensure democratic participation and democratic pluralism.³²⁷ As Steven Wheatley (2009) puts it:

*‘There is no objective distinction that can be made between groups recognised as minorities, national minorities, indigenous peoples and peoples. What distinguishes these groups is the nature of their political demands: simply put, minorities and national minorities demand cultural security; peoples demand recognition of their right to self-determination, or self-government’*³²⁸

2.5 Regulatory approaches for addressing minority rights

Minority rights and status have become increasingly significant issues in the study of prominent fields such as political philosophy and constitutional law.³²⁹ The international community and academics tend to categorise the options faced by minorities as either integration or accommodation. Whereas the former

³²⁴ Emilia Papouts, "Minorities Under International Law : How Protected They Are?", *Journal Of Social Welfare And Human Rights* 2, no. 1 (2014): 305-345, http://jswhr.com/journals/jswhr/Vol_2_No_1_March_2014/18.pdf.

³²⁵ Will Kymlicka, "The Internationalization Of Minority Rights", *International Journal Of Constitutional Law* 6, no. 1 (2007): 1-32, doi:10.1093/icon/mom032.

³²⁶ Sujit Choudhry, *Constitutional Design For Divided Societies: Integration Or Accommodation?* (Oxford: Oxford Univ. Press, 2010).

³²⁷ Roberta Medda-Windischer, "Old And New Minorities: Diversity Governance And Social Cohesion From The Perspective Of Minority Rights", *Acta Universitatis Sapientiae, European And Regional Studies* 11, no. 1 (2017): 25-42, doi:10.1515/auseur-2017-0002.

³²⁸ Steven Wheatley, *Democracy, Minorities And International Law* (Cambridge University Press, 2009).

³²⁹ Amal Jamal, "The Contradictions Of State-Minority Relations In Israel: The Search For Clarifications", *Constellations* 16, no. 3 (2009): 493-508, doi:10.1111/j.1467-8675.2009.00557.x.

provides only individual rights, the latter offers collective rights as complementary to individual rights.³³⁰ Before moving to introduce the two main international mechanisms for addressing minority demands, it is important to explain the terms: 'individual rights' and 'collective rights'.

At the core of this discussion lays three different approaches for human rights in democracies: Conservatism, Liberalism, and Communitarian. Conservatism sees the election process, loyalty to the political system, and granting few basic civil rights such as the freedom of speech as key aspects for the democratic process. Put simply, the conservative philosophy regards the democratic process as a main theme while considers basic individual rights as part of the democratic process. On the contrary, liberalism identifies individual rights including minority rights as main theme in the democratic process. It based on the belief that a just political system should also protect minority rights, and not only to ensure the existence of democratic process. The third approach, Communitarian highlights the issue of collective rights as an addition to individual rights. While both conservative and liberal focus on the idea of nation state, the communitarian philosophy draws attention to the fact that most countries on the world have are multi-national where each one includes at least two national groups. Hence, granting only individual rights would not be sufficient to minority groups; therefore, it is necessary to add collective rights.³³¹

The international human rights law approach towards minorities has undergone changes in relation to the notion of collective rights. The classic approach rejected the option of granting collective rights on the ground of the assumption that individual rights, mainly 'the right to equality' and the 'non- discrimination', are adequate to secure the protection and culture of minorities. However, a new understanding begun to evolve in relation to the importance of collective rights for minorities, both in in states and international law alike.³³²

³³⁰ Will Kymlicka, "The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 111-141.

³³¹ Gad Barzilai, "the political and legal culture in Israel", in *Trends In Israeli Society* (Tel Aviv: The Open University, 2001).

³³² "Minority Rights: International Standards And Guidance For Implementation", *Ohchr.Org*, 2010, https://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf.

The notion of collective rights has emerged as a contrary approach to the individualistic proposal offered by liberal democracy. It is based on the growing belief that civil equality for minorities cannot be attained without granting some collective rights.³³³ The collective rights approach offers three types of rights; first, self-government to guarantee territorial authority or political autonomy. Second, poly-ethnic-rights to ensure non-discriminative policies. Finally, special representation rights to assure bridging gaps resulted from historical marginalisation of members of ethno-culture groups experienced. Each separate category is meant to protect the autonomy of individuals within minority groups while ensuring their ability to participate in larger society.³³⁴

Some scholars³³⁵ challenge the classic liberal assumption on the existence of a conflict between individual rights and collective rights, and argue that in fact there is connection between them. This approach evolved in the most recent development in the interpretation of minority rights that seek to secure rights to individual member of a minority group on the one hand, and the representation of group interests on the other.³³⁶ Put differently, minorities are entitled to special collective rights as distinguishable members of a minority in addition to individual rights as indistinguishable citizens. Also, it is accepted to distinguish between two meanings of 'collective rights', one that refers to the right of a group but limit the liberties of its members due to the general interest of the group such as solidarity (internal restrictions), or the right of a group to limit the powers of a majority to curtail the interests of minorities (external protections).³³⁷ Criticism against the acknowledgment of collective rights is made on the ground that they are incompatible with individual rights. Yet, advocates of the liberal theory see that it accepts some external protections for ethnic groups and national minorities and pays less attention to the internal restrictions.³³⁸

³³³ Joseph Raz, *The Morality Of Freedom* (Oxford [England]: Clarendon Press, 1988).

³³⁴ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory Of Minority Rights* (Oxford: Clarendon Press, 2000).

³³⁵ E.g. Kymlicka, *Multicultural Citizenship: A Liberal Theory Of Minority Rights*, 2000.

³³⁶ Tove H Malloy and Joseph Marko, *Minority Governance In And Beyond Europe: Celebrating 10 Years Of The European Yearbook Of Minority Issues* (Brill - Nijhoff, 2014); Douglas Sanders, "Collective Rights", *Human Rights Quarterly* 13, no. 3 (1991): 368, doi:10.2307/762620.

³³⁷ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory Of Minority Rights* (Oxford: Clarendon Press, 2000).

³³⁸ Kymlicka, *Multicultural Citizenship: A Liberal Theory Of Minority Rights*.

Generally speaking, minorities are often regarded as a destabilising factor in the international system that is based on states. For this reason, collective rights are not accepted in the same manner as individual rights. The legal hegemonic nature in democracies is mostly conservative or liberal as it refrains from recognizing communities. Such recognition is still seen as threat to the sovereignty principle in nation states that see both the country and the society as one entity that includes many individuals rather than separate communities.³³⁹

The demand for collective rights that is also can be called as can be called collectivities, is normally raised by disadvantaged non dominant groups who look to end the racism against their members, to protect and improve their own specific cultural uniqueness.³⁴⁰

Granting of collective rights to minority groups such as national or indigenous minorities is seen as one of the central tenants of the international law.³⁴¹ Unlike other minorities who are eligible to either individual or collective rights, indigenous communities are especially entitled to both individual and collective rights: they are protected from discrimination on the basis of their membership of indigenous groups, and must also be allowed to express, preserve and develop their identity, culture, religion, language and other aspects of their unique experience both as individuals and as a group.³⁴² Yet, while the contemporary legal debate is more focused on individual rights rather than collective rights, minority groups and particularly indigenous groups remain highly disadvantaged.³⁴³

³³⁹ Gad Barzilai, "the political and legal culture in Israel", in *Trends In Israeli Society* (Tel Aviv: The Open University, 2001). [in Hebrew]

³⁴⁰ Douglas Sanders, "Collective Rights", *Human Rights Quarterly* 13, no. 3 (1991): 368, doi:10.2307/762620.

³⁴¹ Yousef T. Jabareen, "The Arab-Palestinian Community In Israel: A Test Case For Collective Rights Under International Law", *The George Washington International Law Review* 47, no. 3 (2015): 449-480.

³⁴² Yousef T. Jabareen, "Toward Participatory Equality: Protecting Minority Rights Under International Law", *Israel Law Review* 41, no. 03 (2008): 635-676, doi:10.1017/s002122370000039x.

"The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 111-141.

³⁴³ Yousef T. Jabareen, "Redefining Minority Rights: Success And Shortcomings Of The U.N. Declaration On The Rights Of Indigenous Peoples", *UC Davis Journal Of International Law And Policy*, 18, no. 119-161 (2012), doi:http://dirasat-aclp.org/files/Yousef_Jabareen_UCDavis_2012.pdf; Douglas Sanders, "Collective Rights", *Human Rights Quarterly* 13, no. 3 (1991): 368, doi:10.2307/762620.

As individual citizens, Arabs in Israel are eligible to formal equality, this include right to participate in the political process through voting and electing their own representatives in the parliament, alongside other. In fact, they are not eligible for collective political rights (except of some certain cultural, religious, educational collective rights, and social freedoms)³⁴⁴ as the State of Israel does not recognise them as a national or indigenous minority, a fact that has negatively affected their livelihood and political rights.³⁴⁵ In relation to the Arab minority, the Israeli state refused to accept the existence of both collective and individual rights.

2.5.1 Integration versus Accommodation

Generally speaking, there are certain universal cultural and civil rights that are given to all ethno-cultural minorities; yet, there are specific rights that are guaranteed only to targeted categories of groups. Although these categories are varying from state to state, they still remain fall into the basic pattern.³⁴⁶ The current literature describes two international outstanding approaches offered to countries to deal with minority rights, one is integration, and the other is accommodation.³⁴⁷

2.5.1.1 The integration approach

The main principle of the integrative approach is based on offering equality for minorities under law and in public organisations only on an individual basis. This approach provides three main policy outlines: individual rights, codes of non-discrimination, and official integration in the political area.³⁴⁸ The integrative philosophy is the preferred policy for Western democracies and officials in intergovernmental institutions such as the United Nations to integrate members

³⁴⁴ Dov Waxman, "Israel's Palestinian Minority In The Two-State Solution: The Missing Dimension", *Middle East Policy* 18, no. 4 (2011): 68-82, doi:10.1111/j.1475-4967.2011.00511.x.

³⁴⁵ Yousef T Jabareen, "The Arab-Palestinian Community In Israel: A Test Case For Collective Rights Under International Law", *The George Washington International Law Review*, 2015.

³⁴⁶ Will Kymlicka, "The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 111-141.

³⁴⁷ John McGarry, Brendan O'Leary and Richard Simeon, "Integration Or Accommodation? The Enduring Debate In Conflict Regulation", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 41-88.

³⁴⁸ Amal Jamal, "The Contradictions Of State-Minority Relations In Israel: The Search For Clarifications", *Constellations* 16, no. 3 (2009): 493-508, doi:10.1111/j.1467-8675.2009.00557.x.

of in relation to 'new' and 'national' minorities in the state system.³⁴⁹ The cultural claims of new minority groups are typically addressed through a more integrationist approach, based on non-discrimination, civil rights, and the reform of common institutions to make them more accessible to, and respectful of, the new minorities.³⁵⁰

2.5.1.2 The Accommodation approach

While integrative approaches often offer only individual rights; the accommodative one supports collective rights in addition to individual rights.³⁵¹ In essence, the accommodative approach encourages multiculturalism by allowing minority groups to preserve their uniqueness through distinct institutions.³⁵² The accommodative approach is usually based on the basic recognition of more than one ethnic, linguistic, national or religious group lives in the state. It is also based on the acknowledgment that such characteristics are resilient, durable and either cannot be or should not be integrated.³⁵³ Generally speaking, accommodative policies provide three different outlines; collective rights, institutional separateness, and self-government.³⁵⁴ This mechanism is usually appropriate for dealing with the basic rights of indigenous peoples.³⁵⁵

Both integration and accommodative policies are endorsed by states and international organisations, for minority groups in different contexts. It is not easy to determine which one of these two international mechanisms is better as

³⁴⁹ John McGarry, Brendan O'Leary and Richard Simeon, "Integration Or Accommodation? The Enduring Debate In Conflict Regulation", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 41-88; Naeem Jeenah, *Pretending Democracy: Israel, And Ethnocratic State* (Oxford: Afro-Middle East Centre, 2013).

³⁵⁰ Sujit Choudhry, *Constitutional Design For Divided Societies: Integration Or Accommodation?* (Oxford: Oxford Univ. Press, 2010).

³⁵¹ John McGarry, Brendan O'Leary and Richard Simeon, "Integration Or Accommodation? The Enduring Debate In Conflict Regulation", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 41-88

³⁵² John McGarry, Brendan O'Leary and Richard Simeon, "Integration Or Accommodation? The Enduring Debate In Conflict Regulation", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 41-88; Will Kymlicka, "The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 111-141.

³⁵³ John McGarry, Brendan O'Leary and Richard Simeon, "Integration Or Accommodation? The Enduring Debate In Conflict Regulation", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 41-88

³⁵⁴ Amal Jamal, "The Contradictions Of State-Minority Relations In Israel: The Search For Clarifications", *Constellations* 16, no. 3 (2009): 493-508, doi:10.1111/j.1467-8675.2009.00557.x.

³⁵⁵ Will Kymlicka, "The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 111-141.

there are various principles and assumptions that underlie them, and each raises its own political and moral dilemmas.³⁵⁶ In order to see which one of the two aforementioned international mechanisms (integrative versus accommodative) works better for regulating diversity, it is necessary to look closely at three key issues that have influence on the fate of minorities. These are: the type of the group (e.g. national minority versus indigenous minority), the regulatory mechanisms of the global actors, that is, the UN and EU, and the democratic model of the state.

Overall, countries encourage assimilation of minority groups to the mainstream culture or allowing minority groups to preserve their distinctiveness through separate institutions. The Israeli governments' policies favour the integrative approach, which entails individual rights. The Arab minority in Israel has always demanded both integrationist and accommodative rights. Since the 1950s, Arab leaders have called for full equal citizenship rights, and to be recognised as a 'national' and 'indigenous' minority. On the surface these demands were articulated in an integrationist language, yet, public figures and political parties have always stressed the historical relationship between the Arab citizens and the land of Palestine, and the Palestinian people.³⁵⁷

2.5.3 The UN versus EU approaches for regulating minority rights

Traditionally, the decision about the international mechanism to regulate state-minority relations (integration or accommodation) was to a large extent regarded as internal matter of individual states. Nonetheless, the international community became gradually a significant player in influencing policy in this domain by encouraging strategies of accommodation and integration and omitting others.³⁵⁸

³⁵⁶ Will Kymlicka, "The Internationalization Of Minority Rights", *International Journal Of Constitutional Law* 6, no. 1 (2007): 1-32, doi:10.1093/icon/mom032.

³⁵⁷ "The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 111-141.

³⁵⁸ Will Kymlicka, "The Internationalization Of Minority Rights", *International Journal Of Constitutional Law* 6, no. 1 (2007): 1-32, doi:10.1093/icon/mom032.

While the United Nations framework categorises non-dominant ethnic groups as either 'indigenous' people or 'minorities', the EU label them as 'national minorities' and 'new minorities'. This distinction is found in the laws and policies of almost every European State. Put differently, the distinctive needs and aspirations of 'national minorities' that based on their historic settlements and territorial concentration are ignored under the existing UN framework; therefore, they are lumped in the same category with new minorities.³⁵⁹ Yet, due to the EU legal system, 'national minorities' are treated as 'indigenous peoples' who are eligible for accommodative rights. It means that the standards of the UN and Western democracies converge in two key contexts: both endorse a norm of accommodation for 'indigenous' people, and integration for 'new minorities'.³⁶⁰ The UN's basic official position for addressing minorities based on the belief that 'indigenous' peoples have the right for accommodation (focuses on autonomy/self-government and institutional pluralism),³⁶¹ whereas the rest of minorities have a right for integration (focuses only on non-discrimination and civil rights).³⁶²

Echoes of this approach in other major intergovernmental organisations, such as International Labour Organisation and the World Bank, which have adopted similar official policies. These strategies are articulated most clearly in two key texts; the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,³⁶³ and the 2007 Declaration on the Rights of Indigenous Peoples,³⁶⁴ which remained a draft despite the intensive debate about it.³⁶⁵

³⁵⁹ Will Kymlicka, "Minority Rights In Political Philosophy And International Law", in *The Philosophy Of International Law* (New York: Oxford University Press, 2010).

³⁶⁰ Will Kymlicka, "The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 111-141.

³⁶¹ Ulrike Barten, "What'S In A Name? Peoples, Minorities, Indigenous Peoples, Tribal Groups And Nations", *Journal On Ethnopolitics And Minority Issues In Europe* 14, no. 1 (2015), <http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2015/Barten.pdf>.

³⁶² Will Kymlicka, *Multicultural Odysseys: Navigating The New International Politics Of Diversity* (Oxford: Oxford University Press, 2007).

³⁶³ "Declaration On The Rights Of Persons Belonging To National Or Ethnic, Religious And Linguistic Minorities". *Un.Org*, 1992. <http://www.un.org/documents/ga/res/47/a47r135.htm>.

³⁶⁴ Declaration On The Rights Of Indigenous Peoples". *Ohchr.Org*, 2007.

<https://www.ohchr.org/en/issues/ipeoples/pages/declaration.aspx>.

³⁶⁵ Joshua Castellino, *Global Minority Rights* (New York: Routledge, 2016); Will Kymlicka, "The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 111-141.

2.5.4 Limitations

There are several limitations associated with the issue of internationalisation of minority rights. Firstly, the fact that the international community is not a single actor that shares homogeneous philosophies creates variances in the rights of minorities and even in the mere definition of who constituted a minority and under which category. In other words, there is no consensus on the valid claims of minority groups, which raises difficulties when attempting to outline international norms. Therefore, the current policies and practices of international organisations are seen as inconsistent and ambiguous.³⁶⁶

Furthermore, it is claimed that there is a dichotomy between the integration and accommodation philosophies, and that overall they are incapable to address the states' challenges.³⁶⁷ Professor Amal Jamal, who is himself an Arab citizen of Israel argues that neither integrationist nor accommodative can be effective in the case of 'homeland minorities' minorities who share the characteristics of both indigenous people and national minorities resided in their homeland before the state was established, and that the only relative success of the international community in this regard can be referred to the applicability of accommodative policies in the case of 'indigenous people'. Therefore, their efforts to protect various forms of their way of life, including culture and language, overlap with their need to be integrated into the job market and state institutions. The right for political participation in the case of such minorities goes beyond a mere representation of their proportional share in society's resources. It includes institutionalising their power in order to guarantee sharing crucial decision-making that may have an impact on their way of life. This means that aggregative democratic systems cannot meet the rights of such minorities for sharing power.

The case study of the ethnic Arab minority in Israel who meet the definitions of national, indigenous and homeland minority proves the complexity of the

³⁶⁶ Will Kymlicka, "The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* (New York: Oxford University Press, 2008), 111-141.

³⁶⁷ Kymlicka, "The Internationalization Of Minority Rights", in *Constitutional Design For Divided Societies: Integration Or Accommodation?* 111-141.

existing international mechanisms; neither integration nor accommodation are adequate to address the claims of this group.³⁶⁸ Interestingly, Jamal (2009) argues that even Kymlicka's suggestion to combine integrationist and accommodative strategies to meet the needs of homeland minorities is not sufficient to regulate the state-minority relations in the context of Israel and its Arab minority. This is because Israel's exclusivist ethnic character allows Jewish control over the state institutions and resources, which in turn blocks the proposed theoretical solution for diversity (integrationist and accommodative policies) towards the Arab minority.³⁶⁹

2.6 Quasi Democratic states models in states with a significant minorities

Israel's self-definition as Jewish and democratic has always been at the centre of controversial scholarly debate. Some scholars³⁷⁰ see the state's ethnic character as the main source of tension between the Jewish majority and the Arab minority, and claim that a country that defines itself as Jewish must advantage Jews. Therefore, it is believed that the Jewish-Zionist identity that serves only one ethnic group of its citizens, makes Israel a unique case when compared to Western democracies.³⁷¹ Veteran Arab MK Dr. Ahmad Tibi of the Joint List Party argues that a Jewish State cannot be a democratic state as this combination holds unavoidable political and moral clash with the value of equality for the non-Jewish citizens, that is, the Arab-Palestinian citizens. Tibi also describes this conflict between the two values (Jewish and democratic) as oxymoron.³⁷²

The Israeli regime cannot be defined as a classic model of the liberal democratic nation-state in the West. Israel identifies itself as 'a Jewish (first)

³⁶⁸ Amal Jamal, "The Contradictions Of State-Minority Relations In Israel: The Search For Clarifications", *Constellations* 16, no. 3 (2009): 493-508, doi:10.1111/j.1467-8675.2009.00557.x.

³⁶⁹ Jamal, "The Contradictions Of State-Minority Relations In Israel: The Search For Clarifications", 493-508.

³⁷⁰ E.g. Oren Yiftachel, "Ethnocracy: The Politics Of Judaizing Israel/Palestine", *Constellations* 6, no. 3 (1999): 364-390, doi:10.1111/1467-8675.00151; Sammy Smooha, *The Model Of Ethnic Democracy* (Germany: European Centre for Minority Issues (ECMI), 2001); Ayelet Harel-Shalev and Ilan Peleg, "Hybridity And Israel's Democratic Order", *Contemporary Review Of The Middle East* 1, no. 1 (2014): 75-94, doi:10.1177/2347798913518462.

³⁷¹ Sammy Smooha, *The Model Of Ethnic Democracy* (Germany: European Centre for Minority Issues (ECMI), 2001).

³⁷² "BBC's 'Hardtalk' Hosts Ahmad Tibi – Part Two", *BBC Watch*, 2018, <https://bbcwatch.org/2018/03/16/bbcs-hardtalk-hosts-ahmad-tibi-part-two/>.

and democratic state' and a 'state for the Jewish people', with only the Jewish people have 'collective rights' and the 'right to self-determination'. The state's ethnic nature as a Jewish state has been clearly evident since its establishment (e.g. state symbols and laws); however, in July 19, 2018 the claim that Israel is a homeland of Jews only was codified in the so-called 'Nationality Law'.³⁷³ (this will be further discussed in Chapter 6). Critics of the law see that anchoring the Jewish-national characteristic, without assuring the value of equality promised in the Declaration of Independence,³⁷⁴ can violate the delicate balance between Jewish and democratic that is as claimed already problematic and negatively affects the integration of the Arab citizens. Today the only constitutional protection that exists for minorities in Israel is according to the Basic Law: Human Dignity and Liberty.³⁷⁵ But even this law does not explicitly guarantee or mention the value of equality. While minority rights to full equality are anchored in almost every country in the world, including national states, Israel remains one of the only countries in the democratic world that does not have a constitution and enshrines the basic rights of minorities.³⁷⁶ In this sense, Israel could be seen as deviates from the Western standards of non-ethnic democracies by promulgating both the ethnic character and the preservation of its purity.³⁷⁷

As a result, in the last two decades many members of the Palestinian Arab elite in Israel have developed a political argument that Israel should become 'a State of All Its Citizen'. This argument was again proposed in the Knesset as bill by few Arab MKs as in response to the new Basic Nation State Law that passed by the Knesset in mid-July 2018. In essence, it suggests altering the character of the State of Israel from the nation-state of the Jewish people to a state in which there is equal status for Jews and Arabs.³⁷⁸ In unprecedented move, the Knesset Presidium disqualified the proposed legislation of 'a State of All Its

³⁷³ "Knesset Passes Jewish Nation-State Bill Into Law", *Knesset.Gov.II*, 2018,

https://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=13979.

³⁷⁴ "Proclamation Of Independence", *Knesset.Gov.II*, 1948, https://www.knesset.gov.il/docs/eng/megilat_eng.htm.

³⁷⁵ "Basic Law : Human Dignity And Liberty", *Knesset.Gov.II*, 1992,

https://www.knesset.gov.il/laws/special/eng/basic3_eng.htm.

³⁷⁶ "Everything You Wanted To Know About The Law Of Nationality", *IDI*, 2018, <https://www.idi.org.il/articles/24220>.

³⁷⁷ Sammy Smooha, "Class, Ethnic, And National Cleavages And Democracy In Israel" (Boulder and London: Lynne Rienner, 1993), 309-342, <https://poli.hevra.haifa.ac.il/~s.smooha/download/ClassEthnicandNationalCleavages.pdf>.

³⁷⁸ *haaretz.com*. (2019). *Knesset council bans bill to define Israel as state for all its citizens*. [online] Available at: <https://www.haaretz.com/israel-news/.premium-knesset-council-bans-bill-to-define-israel-as-state-for-all-citizens-1.6145333>.

Citizens' before being discussed in the plenum. This decision was supported by the Supreme Court in December 2018 by dismissing a petition filed by Adalah – The Legal Center for Arab Minority Rights in Israel on behalf of the Joint List MKs.³⁷⁹

In March 2019, only one month before the election, the prime minister Netanyahu wrote on Instagram in reference to the country's Arab minority that: 'Israel is the nation state of the Jewish people – and only it.'³⁸⁰ Clearly, Israel is illiberal regime and a state, which defines itself politically legally and institutionally as a 'state of the Jewish people' rather than 'a liberal democratic state of its citizens' (the Arab citizens included). Giving that, while Israel largely seen as a democratic state, some scholars believe that neither democracy nor any other kind of democracy can be appropriate to describe the Israeli reality. Hence, new quasi or non-democracy models are essential to explain its attitude towards the Arab minority. The literature identifies four quasi or non-democratic regimes that were specifically crafted to analyse state-minority relations in deeply divided societies. These are 'Control', 'Herrenvolk democracy', 'Ethnic democracy' and 'Ethnocracy'.³⁸¹ Apart of 'Herrenvolk democracy', these models were developed especially in attempt to analyse the Israeli regime.

2.6.1 Control

Control presents a general type of political system that designed to promote political stability in deeply divided societies, and as an alternative to consociational and liberal democracy.³⁸² The control system is based on the principle that one racial group dominates the state resources, and imposes different political measures on minority group to allow continuity of the status quo.³⁸³ The control model involves of three linked instruments: firstly, co-option in which the state compromises minority leaders by according limited privileges such as favours and repayments. Secondly, economic dependency by making

³⁷⁹ "Israeli Supreme Court Refuses To Allow Discussion Of Full Equal Rights & 'State Of All Its - Adalah."

³⁸⁰ Holmes, "Israel President Rejects Netanyahu Comments About Arab Citizens."

³⁸¹ Sammy Smooha, *The Model Of Ethnic Democracy* (Germany: European Centre for Minority Issues (ECMI), 2001).

³⁸² Ian Lustick, "Stability In Deeply Divided Societies: Consociationalism Versus Control", *World Politics* 31, no. 03 (1979): 325-344, doi:10.2307/2009992.

³⁸³ Sammy Smooha, *The Model Of Ethnic Democracy* (Germany: European Centre for Minority Issues (ECMI), 2001).

members of non-dominant ethnic group relies on the majority group for their income to weaken their on-going political struggle. Finally, it is isolation through dividing and governing non-dominant group and preventing them from having access to the dominant group.³⁸⁴

Lustick (1980) examined the separation between the state majority and the Arab minority in Israel and described the Israeli policies towards Arab citizens pre the 1967 War as a control.³⁸⁵ However, by the end of the 1980s, he argued that the Arab minority had a pivotal role in Israeli policymaking and that Israel was moving towards the model a bi-national state.³⁸⁶ It is important to notice that while liberal and consociational democratic systems are seen as stable democracies, control is not regarded as such.³⁸⁷

2.6.2 Herrenvolk Democracy

Herrenvolk democracy is defined as a democracy for the dominant race that officially excludes other groups. This model was initially introduced by van den Berghe (1967) and applied to apartheid in South Africa and the ante-bellum United States. Although it can be used as a useful instrument to analyse democracy in deeply divided societies, it is evident that 'Herrenvolk democracy' is not a type of democracy. Academics do not consider it as a democracy and are reluctant to advocate it as a model to deeply divided societies.³⁸⁸

Israel's regime was sometimes compared with the Apartheid South Africa and described as a Herrenvolk democracy. Meron Benvenisti (1987) argued that the Arab minority in Israel was treated as second-class citizens as subservient to the Master Race.³⁸⁹ Also, Benvenisti (1987) classifies the Israeli policies towards Palestinians in the Occupied Territories (OT) after the 1967 War as a Herrenvolk democracy. He argues that while Palestinians in the West Bank and

³⁸⁴ Smooha, *The Model Of Ethnic Democracy*, 2001.

³⁸⁵ Ian Lustick, *Arabs In The Jewish State: Israel's Control Of A National Minority* (Austin, Tex: Univ. of Texas Press, 1980).

³⁸⁶ Ian Lustick, "Israeli State-Building In The West Bank And The Gaza Strip: Theory And Practice", *International Organization* 41, no. 01 (1987): 151, doi:10.1017/s0020818300000771.

³⁸⁷ Sammy Smooha, *The Model Of Ethnic Democracy* (Germany: European Centre for Minority Issues (ECMI), 2001).

³⁸⁸ Smooha, *The Model Of Ethnic Democracy* (Germany: European Centre for Minority Issues).

³⁸⁹ Sammy Smooha, "Ethnic Democracy: Israel As An Archetype", *Israel Studies* 2, no. 2 (1997): 198-241, doi:10.1353/is.2005.0060.

the Gaza Strip were in fact annexed to Israel, they were constantly disenfranchised.³⁹⁰

2.6.3 Ethnic Democracy

Contrary to the two aforementioned models 'control' and 'Herrenvolk democracy', 'Ethnic democracy' suggests that states do provide civil, political, and limited collective rights to their minority groups. Yet, institutionalised domination of the major ethnic group over minority groups remains prominent. As the Israeli sociologist Sammy Smooha (2001) puts it:

*'Ethnic democracy is a democratic political system that combines the extension of civil and political rights to permanent residents who wish to be citizens with the bestowal of a favoured status on the majority group. This is democracy that contains the non-democratic institutionalisation of the dominance of one ethnic group. The founding rule of this regime is an inherent contradiction between two principles – civil and political rights for all and structural subordination of the minority to the majority'*³⁹¹

Smooha first introduced the model of 'ethnic democracy' in his work on the status of the Arab minority in Israeli in the early 1990s.³⁹² Before that, he saw Israel as a Herrenvolk democracy in relation to its Arab citizens.³⁹³ Later he argued that while the Arab minority are formally eligible to democratic rights, in fact they were under the control of the Israeli state, excluded from the national power and their civil rights were not meaningful. The model of 'ethnic democracy' was also applied to another countries such as Estonia and Latvia during the 1990s, Malaysia in the 1970s, Northern Ireland until 1972, and Canada between 1867 and 1960s.³⁹⁴

Following Smooha's model, the Israeli scholar Prof. Oren Yiftachel, coined the term 'Ethnocracy' as a counter-model for 'Ethnic Democracy' to analyse the Israeli regime and some other deeply divided societies.

³⁹⁰ Smooha, "Ethnic Democracy: Israel As An Archetype", 198-241.

³⁹¹ Sammy Smooha, *The Model Of Ethnic Democracy* (Germany: European Centre for Minority Issues (ECMI), 2001), 23-24.

³⁹² Sammy Smooha, "Minority Status In An Ethnic Democracy: The Status Of The Arab Minority In Israel", *Ethnic And Racial Studies* 13, no. 3 (1990): 389-413, doi:10.1080/01419870.1990.9993679.

³⁹³ Sammy Smooha, *Israel: Pluralism And Conflict* (Berkeley: University of California Press, 1978).

³⁹⁴ Sammy Smooha, *The Model Of Ethnic Democracy* (Germany: European Centre for Minority Issues (ECMI), 2001), 23-24.

2.6.4 Ethnocracy

Ethnocracy is a type of political regime that describes the hegemony of one ethnic group over the state to serve the majority interests, power and resources.³⁹⁵ Ethnocratic regimes usually include thin democratic elements to hide the profound ethnic structure of the state, in which citizenship (religion or race) and ethnicity are vital to ensure resources and power. Accordingly, Ethnocratic regimes enable ethnicisation of the country by the majority group through increasing control, and sometimes by conflict with non-dominant groups in nearby countries.³⁹⁶ As Yiftachel (1999) puts it:

*'An ethnocracy is a nondemocratic regime that attempts to extend or preserve disproportional ethnic control over a contested multi-ethnic territory. Ethnocracy develops chiefly when control over territory is challenged and when a dominant group is powerful enough to determine unilaterally the nature of the state. Ethnocracy is thus an unstable regime, with opposite forces of expansionism and resistance in constant conflict'*³⁹⁷

The main characteristic of Ethnocracy is that the distribution of the resources and power is governed by ethnicity and by citizenship. Citizenship in this case represents an envelope, which is quite hollow. The very typical idea of ethnocracy is that the state belongs to one group, which in turns harms the right for equality to minorities.

The main distinction between 'Ethnocracy' and 'Ethnic democracy' lays in the nature of the regime. While the former is not seen as a democracy, the latter is conceptualised as a democracy. The theoretically Israeli internal debate has been, therefore, over the question of whether Israel can be described as 'ethnic democracy' or as a non-democratic 'ethnocracy'.³⁹⁸

All the aforementioned definitions used to describe the Israeli regime refute the claim that Israel is a 'liberal democratic state'. Its main concern is the Jewish citizens rather than all its citizens, in other words, there is not an Israeli civic

³⁹⁵ Oren Yiftachel, "'Ethnocracy': The Politics Of Judaizing Israel/Palestine", *Constellations* 6, no. 3 (1999): 364-390, doi:10.1111/1467-8675.00151, 364-390.

³⁹⁶ Yiftachel, "Ethnocracy": The Politics Of Judaizing Israel/Palestine", 364-390.

³⁹⁷ Yiftachel, "Ethnocracy": The Politics Of Judaizing Israel/Palestine", 367-368.

³⁹⁸ Sammy Smooha, *The Model Of Ethnic Democracy* (Germany: European Centre for Minority Issues (ECMI), 2001).

nation, and basic laws formally make Israel Jewish and democratic and by no means liberal or multicultural.³⁹⁹ In fact, Israel's definition as a 'Jewish and democratic' is embedded in the legal structure in a manner that highly allows the concentration of the political power in the hands of the Jewish citizens while excluding the Palestinian Arab citizens from the political process.⁴⁰⁰ Despite the differences in the views in relation to Israel's regime, it is clear that the Israeli regime in relation to its Arab citizens has been a hybrid, mixture or combination of different ideas and principles. It is a democratic regime in which rights are extended to all citizens but not equally.⁴⁰¹ Therefore, the Arab citizens in Israel are in theory, entitled to equal citizenship rights as the Jewish citizens. Yet, this is not the case in practice and as the previous Chapter showed, distinctions between Israeli Jews and Arabs are striking in all walks of life. Despite all the progress in the governmental policies towards the Arab citizens, the Israeli state still does not live up to the standards of Western civic democracy. According to the international indices for quality of governance and the functioning of the political system, Israel's rankings as a democracy are at the bottom as compared with OECD states.⁴⁰²

2.7 Conclusion

There is a broad international consensus that minority rights are not anymore, an exclusive internal affair of any respective state. The protection of minorities is recognised in both European and international law, and the notion of internationalisation of minority rights reflects a wider support of the minorities' demands that in fact legitimatise them.

The development of legal frameworks in relation to minority rights is relatively recent, and the issue is still unfolding. This improvement is striking as no international legal tool that was entirely devoted to the protection of minority rights existed prior to the 1992 United Nations Declaration on the Rights of

³⁹⁹ Sammy Smooha, *The Model Of Ethnic Democracy* (Germany: European Centre for Minority Issues (ECMI), 2001).

⁴⁰⁰ Masri, "The Dynamics Of Exclusionary Constitutionalism: Israel As A Jewish And Democratic State- Chapter 1 (Introduction)."

⁴⁰¹ Sammy Smooha, *The Model Of Ethnic Democracy* (Germany: European Centre for Minority Issues (ECMI), 2001).

⁴⁰² Tamar Hermann et al., "The Israeli Democracy Index", *En. Idi. Org. Il*, 2017, <https://en.idi.org.il/media/9837/israeli-democracy-index-2017-en-summary.pdf>.

Persons Belonging to National or Ethnic, Religious and Linguistic Minorities entered into force.⁴⁰³ Although the UN declarations are not legally non-binding, yet they are considered an authoritative document setting international standards.

The inadequacy of international law framework combined with nationalism; affect the ability to protect the rights of minorities.⁴⁰⁴ One of the substantial challenges of the international community is to identify ways of enhancing the effectiveness of international human rights law to tackle the complexities of the minority question.⁴⁰⁵ Regulatory mechanisms for state-minority relations proved to be inadequate in ways that raise deep questions about the capacity of international law to protect homeland minorities such as in the case of the Arab minority in Israel. The problem of diversity regulation is strongly connected to the ethnic identity of the state that strongly determines the power relations. Therefore, the exiting international mechanisms would not be useful in the case of the Arab minority as long as the identity and the power structure of the state are not transformed to meet universal equality of all citizens.⁴⁰⁶

⁴⁰³ Yousef T Jabareen, "Redefining Minority Rights: Success And Shortcomings Of The U.N. Declaration On The Rights Of Indigenous Peoples", *UC Davis Journal Of International Law And Policy*, 18, no. 119-161 (2012), doi:http://dirasat-acip.org/files/Yousef_Jabareen_UCDavis_2012.pdf.

⁴⁰⁴ Emilia Papouts, "Minorities Under International Law : How Protected They Are?", *Journal Of Social Welfare And Human Rights* 2, no. 1 (2014): 305-345, http://jswhr.com/journals/jswhr/Vol_2_No_1_March_2014/18.pdf.

⁴⁰⁵ Gaetano Pentassuglia, *Minorities In International Law* (Strasbourg: Council of Europe, 2002).

⁴⁰⁶ Amal Jamal, "The Contradictions Of State-Minority Relations In Israel: The Search For Clarifications", *Constellations* 16, no. 3 (2009): 493-508, doi:10.1111/j.1467-8675.2009.00557.x.

Third chapter: Theoretical framework

3.1 Introduction

This thesis sets out to critically analyse a number of case studies where Israel's Arab leadership attempted to bring the grievances of their people to international attention. The analysis of these events will be through exploring the context in which these cases have occurred from the perspectives of the actors (e.g. Arab MKs and NGOs) as well as the state. Accordingly, this study is constructivist in nature. Constructivist approaches in human rights and foreign policy are particularly suitable to serve as theoretical anchor to this thesis because of the emphasis on ideational factors, which can include norms.

The first section introduces a brief background about the constructivist approach, its main features and limitations. The second section draws attention to the concept Transnational Advocacy Network (TAN) that will serve as an introduction for the two main social constructivist models: the 'boomerang effect'⁴⁰⁷ and the 'spiral model'.⁴⁰⁸ Then, the models will be discussed in greater detail. Finally, the last section focuses on key theoretical concepts that are essential for understanding the dynamics of the internationalisation process: 1) internationalisation 2) soft power 3) public diplomacy (PD) 4) soft power of parliamentary diplomacy 5) soft power of international advocacy NGOs (INGOs), and 6) state reputation and legitimacy.

3.2 Constructivism

The relatively tranquil conclusion of the Cold War instigated a novel approach to how international relations could be viewed. Neither Neo-realism nor Neo-liberalism had can anticipate the end of the Cold War. Accordingly, these theories appeared to be redundant in the new prevailing international order and

⁴⁰⁷ Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998).

⁴⁰⁸ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (New York: Cambridge University Press, 1999).

gave way to constructivism as providing different lens for viewing international relations as witnessed by the abundant literature on the issue.⁴⁰⁹

As a second-order theory, constructivism was developed during the late 1980s.⁴¹⁰ In essence, constructivism challenges both Neoliberal institutionalism and Neorealism by viewing international relations (IRs) as 'socially constructed' and as a 'world of our making' rather than as an anarchic system in which states interact according to the distribution of power.⁴¹¹ In other words, the interaction of states or other elements of the international system (depending on which level of analysis is considered) is not necessarily determined by material factors, but by social processes that can include a wide range of human ideas, perceptions and priorities.

Constructivist scholars tend to underline the moral power of ideational factors in international relations such as norms, ideas, identity and language,⁴¹² and their impact on changing state's behaviour.⁴¹³ Norms in this context are understood as 'shared expectations about appropriate behaviour in the area of human rights'.⁴¹⁴ These norms can be expressed through language and argumentation, and as a result, states may become 'so entangled in their justification that their political outcomes may not match their original intentions'.⁴¹⁵

The fundamental assumption of constructivism is that interests and identities of agents are not taken as granted, rather they are constructed by their shared ideas. The role of 'ideas' is identified as vital in shaping international relations even more than the role of states or non-states actors (NSAs). Therefore,

⁴⁰⁹ Adler Emanuel, "Constructivism In International Relations", in *Handbook Of International Relations* (Thousand Oaks: Sage, 2002).

⁴¹⁰ Stefani Guzzini, "A Reconstruction Of Constructivism In International Relations", *European Journal Of International Relations* 6, no. 2 (2000): 147-182, doi:10.1177/1354066100006002001.

⁴¹¹ Onuf Nicholas Greenwood, *World Of Our Making: Rules And Rule In Social Theory And International Relations* (Columbia, SC: University of South Carolina Press, 1989).

⁴¹² Tim Dunne, Lene Hansen and Colin Wight, "The End Of International Relations Theory?", *European Journal Of International Relations* 19, no. 3 (2013): 405-425, doi:10.1177/1354066113495485; Peter van Ham, *Social Power In International Politics* (New York: Routledge, 2010).

⁴¹³ M. Finnemore and K. Sikkink, 'International Norms Dynamics and Political Change', *International Organization*, Vol.52 (1998), pp.887-917; M.E. Keck and K. Sikkink, *Activist beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998).

⁴¹⁴ M. Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996), 22.

⁴¹⁵ Ty Solomon, "Norms And Human Rights In International Relations", *Political Studies Review* 4 (2006): 36-40.

defining principal ideas of agents and cooperating to redefine the international system is a key interest.

Also, from a constructivist perspective human rights in foreign policy (HRFP) are defined as a 'constructive form of identity politics'.⁴¹⁶ This understanding, according to Brysk, 'defies the realist prediction of untrammelled pursuit of national interest, and suggests the utility of constructivist approaches that investigate the role of ideas, identities, and roles as influences on state action'.⁴¹⁷ The notion of state identity is used to prove that international human rights norms have a vital role in changing the identity of norm-violating states through discursive processes of argumentation and persuasion. From a constructivist point of view, the critical point of power relies on the agents' ability to convince others to accept their opinions.⁴¹⁸ Notably, both shaming and disapproval are well known rhetorical instruments that proved to have powerful impacts on countries that care about their international reputation and identity.⁴¹⁹

Therefore, it is important to consider the practices, norms, values, and identity to better understand the behaviour of actors and use them effectively in processes of persuasion and socialisation of international politics.⁴²⁰ This is on contrary to the traditional interests such as security and survival of states. In this sense, unlike rationalist scholars who contend that players are interested only in maximising their benefits, constructivists believe that persuasion based on arguments can effectively change the original preferences of players.⁴²¹ Put differently, while realists and liberalists that stress the material elements of IR,

⁴¹⁶ Alison Brysk, "Beyond Framing And Shaming: Human Trafficking, Human Security And Human Rights", *Journal Of Human Security* 5, no. 3 (2009): 8-21, doi:10.3316/jhs0503008.

⁴¹⁷ Alison Brysk, "Beyond Framing And Shaming: Human Trafficking, Human Security And Human Rights", *Journal Of Human Security* 5, no. 3 (2009): 8-21, doi:10.3316/jhs0503008.

⁴¹⁸ Efe Sevin, "Pathways Of Connection: An Analytical Approach To The Impacts Of Public Diplomacy", *Public Relations Review* 41, no. 4 (2015): 562-568, doi:10.1016/j.pubrev.2015.07.003.

⁴¹⁹ Ty Solomon, "Norms And Human Rights In International Relations", *Political Studies Review* 4 (2006): 10.

⁴²⁰ Thomas Riss, Stephen C. Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (Cambridge: Cambridge University Press, 1999).

⁴²¹ Jeffrey T. Checkel, "Why Comply? Social Learning And European Identity Change", *International Organization* 55, no. 3 (2001): 553-588, doi:10.1162/00208180152507551; Nicole Deitelhoff, "The Discursive Process Of Legalization: Charting Islands Of Persuasion In The ICC Case", *International Organization* 63, no. 01 (2009): 33, doi:10.1017/s002081830909002x.

constructivism pay attention to the social meaning they hold. As a result, the main source of power becomes the ability to influence these social meanings.⁴²²

Constructivists underscore the social construction of human rights norms, the significance of international human rights norms, and how countries socialised these norms through international organisations and transnational networks. Countries can redefine their identity and start to see themselves as international citizens who dedicated to shape universal standards on human rights.⁴²³ Through membership in international organisations and communication between liberal and oppressive countries, pressures through ideas and arguments can be effective in changing states' actions in relation to their non-compliance with human rights principals.

Critics of constructivism are various. These include the use of the concept identity because it lacks consensus and continuously re-articulated by people. Therefore, it is argued that it would be problematic to rely on 'identity' as 'explanatory categories'.⁴²⁴ The Constructivist approach was also criticised for ignoring the state sovereignty principle as a critical limitation to domestic efforts in protecting human rights.⁴²⁵ The non-consideration of other complex nuances such as the regime types of states is seen as a weakness of the constructivist philosophy.⁴²⁶ Finally, major point appears in the constructivist study refers to the issue of foreign affairs. It is argued that foreign relations are shaped through a process of communication between agents and the structures. However, these agents are by no means only countries. Rather, constructivists emphasises the role of non-state actors (NSAs) such as TANS, and international organisations (INGOs) in leveraging authorities to comply with universal human rights norms. For instance, Susan Burgerman (1998) stressed the role of transnational networks in the world politics:

⁴²² Efe Sevin, "Pathways Of Connection: An Analytical Approach To The Impacts Of Public Diplomacy", *Public Relations Review* 41, no. 4 (2015): 562-568, doi:10.1016/j.pubrev.2015.07.003.

⁴²³ Brian Greenhill, "The Company You Keep: International Socialization And The Diffusion Of Human Rights Norms", *International Studies Quarterly* 54, no. 1 (2010): 127-145, doi:10.1111/j.1468-2478.2009.00580.x.

⁴²⁴ Maja Zehfuss, "Constructivism And Identity: A Dangerous Liaison", *European Journal Of International Relations* 7, no. 3 (2001): 338, doi:10.1177/1354066101007003002.

⁴²⁵ Rolf Schw arz, "The Paradox Of Sovereignty, Regime Type And Human Rights Compliance", *The International Journal Of Human Rights* 8, no. 2 (2004): 199-215, doi:10.1080/1364298042000240861.

⁴²⁶ Rolf Schw arz, "The Paradox Of Sovereignty, Regime Type And Human Rights Compliance", *The International Journal Of Human Rights* 8, no. 2 (2004): 199-215, doi:10.1080/1364298042000240861.

'The program on transnational issue networks is designed to capture the increasingly complex webs of non- state actors (NSAs) who participate in other people's politics without resorting to the power base of either their own government or that of the target state'⁴²⁷

At this point, it is important to explain the concept TANs as it is fundamental for the analysis of both the boomerang and spiral models.⁴²⁸

3.3 Transnational Advocacy Network (TAN)

Generally speaking, there are three different categories of transnational networks: (a) those who share causal ideas such as epistemic or scientific groups (b) those with instrumental aims (e.g. banks and transnational corporations) and (c) those who share principled values or ideas (TANs).⁴²⁹ This thesis focuses on the third form of transnational network to analyse the behaviour of the main actors who are leading the internationalisation process. According to a definition provided by Keck and Sikkink (1999:89), transnational advocacy network includes:

'those relevant actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services'⁴³⁰

In other words, the notion of TANs based on a mutual believes between the members who are highly committed to the success of their mission. TANs are seen as main agents for transition international human rights norms and ideas.⁴³¹ In their edited volume 'Activists Beyond Borders: Advocacy Networks in International Politics', Keck and Sikkink (2014) describe networks as 'forms of organization characterized by voluntary, reciprocal, and horizontal patterns of communication and exchange', and that 'advocacy captures what is unique about these transnational networks'.⁴³² They are called advocacy networks due

⁴²⁷ Susan D Burgerman, "Mobilizing Principles: The Role Of Transnational Activists In Promoting Human Rights Principles", *Human Rights Quarterly* 20, no. 4 (1998): 905-923, doi:10.1353/hrq.1998.0035.

⁴²⁸ Thomas Risse and Kathryn Sikkink, "The Socialization Of International Human Rights Norms Into Domestic Practices", in *The Power Of Human Rights: International Norms And Domestic Change* (UK, USA, Australia: Cambridge University Press, 1999).

⁴²⁹ Keck and Sikkink, "Transnational Advocacy Network In International Politics: Introduction", 30

⁴³⁰ Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks In International And Regional Politics", *International Social Science Journal* 51, no. 159 (1999): 89-101, doi:10.1111/1468-2451.00179.

⁴³¹ Margaret Keck E., "Transnational Advocacy Network In International Politics: Introduction", in *Activists Beyond Borders: Advocacy Network In International Politics* (Ithaca, NY: Cornell University Press, 1998), 1-38.

⁴³² Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 2014).

to their work around social justice and rights to defend others' causes.⁴³³ Activists in TAN similarly to those in social movements, seek to amplify the rights and the claims of weak groups to through approaching more powerful actors.⁴³⁴ Many scholars acknowledge for the importance of transnational pressure in reducing states' repression.⁴³⁵ These networks consist of various actors from different areas such as local and international NGOs, advocacy and research organisations, domestic social movements; the media, foundations, intellectuals, parliamentary branches of government, group of regional and international intergovernmental organisations.⁴³⁶ The fourth and the sixth Chapters of this study will account for case studies where international activities of Israel's Arab politicians are very similar to the work of transnational advocacy actors. Therefore, this study suggests recognising the role of opposition parliamentarians from ethnic background in the literature of TANs.

It is noted that not all of TANs' actors will necessary take part in every advocacy network. Nonetheless, the role of both international and domestic NGOs is fundamental and prominent in the majority of these networks. The contribution of the civil society to advocacy networks is normally reflected by providing information, introducing new ideas and/or initiating actions and pressuring more influential players to intervene.⁴³⁷

Generally speaking, the activity of transnational advocacy networks is most likely to appear when channels between domestic groups and their states are blocked or cut off and are, consequently, impotent for negotiating solutions to conflicts. Furthermore, TANs could increase their activities when they see that transnational activism will improve their campaigns and support them. Accordingly, activists might take part in global forms and conference that offer opportunities to expand their international contacts and strengthen their

⁴³³ Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks In International And Regional Politics", *International Social Science Journal* 51, no. 159 (1999): 89-101, doi:10.1111/1468-2451.00179.

⁴³⁴ Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks In International And Regional Politics", *International Social Science Journal* 51, no. 159 (1999): 89-101, doi:10.1111/1468-2451.00179.

⁴³⁵ Alison Brysk, "From Above And Below ", *Comparative Political Studies* 26, no. 3 (1993): 259-285, doi:10.1177/0010414093026003001; Darren Hawkins, "Transnational Activists As Motors For Change", *International Studies Review* 1, no. 1 (2002): 119-122, doi:10.1111/1521-9488.00147; Donatella della Porta and Sidney Tarrow, *The New Transnational Activism* (New York: Cornell University, 2005).

⁴³⁶ Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks In International And Regional Politics", *International Social Science Journal* 51, no. 159 (1999): 89-101, doi:10.1111/1468-2451.00179.

⁴³⁷ Keck and Sikkink, "Transnational Advocacy Networks In International And Regional Politics", 92

network. There are four strategies that are frequently used by TANs to influence both local and intergovernmental policymakers:⁴³⁸

(1) Information politics

Information politics refers to the capability of TANs to quickly transfer credible and meaningful information to influential actors.⁴³⁹ First hand stories and testimonies from the people who were involved in abused incidents are highly valuable for this strategy. Furthermore, TANs critically frame individual evidences and facts in terms of wrong and right, as they aim to convince a third powerful party to intervene. The media is considered as a vital partner for these networks can help them to reach a wider audience. It is noticed that by providing alternative sources of information, TANs gain a significant attention.⁴⁴⁰

(2) Symbolic politics

Symbolic politics is an integral part of the persuasion process that highlights the ability of activist groups to use stories, symbols, or actions that can attract a foreign audience. Transnational networks make efforts to introduce their argument in creative ways at remarkable platforms to put their issue on the international agenda. This move in turn can contribute to increase the popularity of these groups and empower them.

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(3) Leverage politics

Leverage politics reflects the ability to mobilise the support of an external influential actors who is capable to affect the domestic policy and bring to

⁴³⁸ Margaret Keck E., "Transnational Advocacy Network In International Politics: Introduction", in *Activists Beyond Borders: Advocacy Network In International Politics* (Ithaca, NY: Cornell University Press, 1998), 1-38; Keck & Sikkink (1999)

⁴³⁹ Keck and Sikkink, "Transnational Advocacy Networks In International And Regional Politics", 95

⁴⁴⁰ Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks In International And Regional Politics", *International Social Science Journal* 51, no. 159 (1999): 89-101, doi:10.1111/1468-2451.00179.

⁴⁴¹ Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks In International And Regional Politics", *International Social Science Journal* 51, no. 159 (1999): 89-101, doi:10.1111/1468-2451.00179.

its change. Both pressure and persuasion are strategically crucial in order to mobilise more powerful actors. The literature of TANs acknowledges two vital kinds of leverage that activists in transnational campaigns are striving to achieve: (a) *material leverage* and (b) *moral leverage*. While material leverage involves goods, money or voting power, moral leverage relies on what it is known as the mobilisation of shame. The latter strategy works by exposing the behaviour of the state in question to international scrutiny, which in turn harm its global standing. The success of moral leverage is based on the extent the target state cares about its reputation; the more it cares about its global standing, the more moral leverage is expected to succeed.⁴⁴²

(4) Accountability politics

At the core of this tactic lays states' declarations and promises for improving their oppressive policies. This allows a room for TANs to confront and challenge these countries and questioning them for not fulfilling their promises.⁴⁴³

Advocacy networks are not only seeking to change states' policies, rather, they aim to influence the political debate. The success of TANs is more likely to increase when they are advocating issues that touch on physical attack of civilian people and legal inequality. One of the most prominent successful examples of TANs refers to the anti-apartheid campaign. In the same vein, it is important to remember that TANs are not vital actors role in the process of norm promotion, but also they are playing role in changing the behaviour of the target state through pressuring, shaming and condemning non-compliance with these standards (norm implementation). Furthermore, Risse et al. (1999) contend that the of promotion human rights networks is a critical element in the alteration of policy on human rights. These networks help exposing the violation of countries to the international community by using the language of moral consciousness.

⁴⁴² Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks In International And Regional Politics", *International Social Science Journal* 51, no. 159 (1999): 89-101, doi:10.1111/1468-2451.00179.

⁴⁴³ Keck and Sikkink, "Transnational Advocacy Networks In International And Regional Politics."

They also have a vital role in bringing the voice of domestic opposition against violator regimes.⁴⁴⁴

To sum, TANs reflect the attempt of scholars to trace how moral and human rights activists are working to influence countries to commit to moral action. To understand the outcome of the efforts of TANs, the next sections look at two theories of norm diffusion: the boomerang effect, and the five-phase spiral model. Both models are used as analytical tool for evaluating the internationalisation process in the chosen case studies of this thesis (Chapter 4,5,6).

3.4 The ‘Boomerang effect’

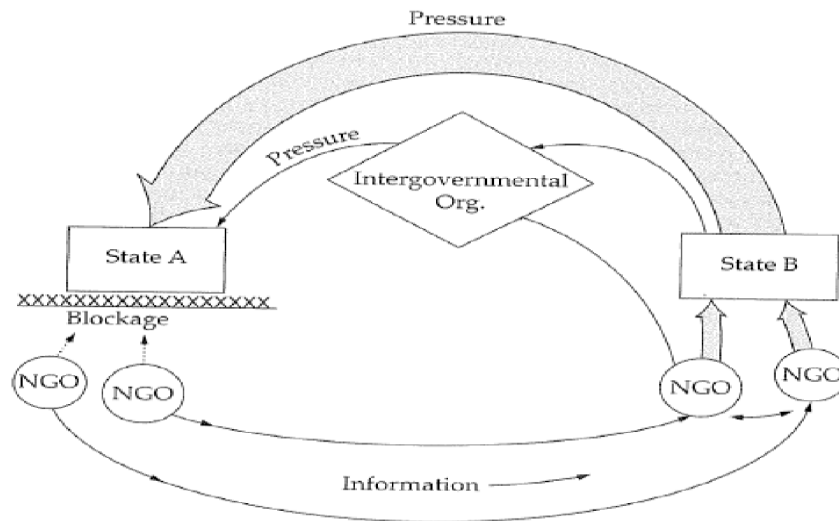
As the post–Cold War world era resulted in to producing massive networks of nongovernmental groups, Keck and Sikkink (1998) articulated these relationships in the so-called the ‘boomerang effect’.⁴⁴⁵ Interaction between NGOs is vital to the boomerang pattern. This model account for transnational advocacy networking that emerge when domestic NGOs from less democratic states are blocked from appealing their local regimes so they seek to pass by the blockage through links with other external NGOs from more democratic countries. In other words, the model postulates that the network between domestic NGOs and international NGOs based upon mutual values are created via sharing resources to exert pressure on states to change their policy. So, the ‘boomerang pattern’ exists once the domestic NGOs with the help of their external alliances (NGOs), which serve as TANs, succeed to bring international pressure on their governments to change policies towards them. ⁴⁴⁶ The boomerang effect is illustrated in Figure 1.

⁴⁴⁴ Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks In International Politics* (New York: Cornell University Press, 1998).

⁴⁴⁵ Sidney Tarrow, *The New Transnational Activism* (New York: Cornell University, 2005).

⁴⁴⁶ Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998).

Figure 1. The 'boomerang effect' model



*The Boomerang Model. Source: Adapted from *Activists beyond Borders: Advocacy Networks in International Politics*, by Margaret E. Keck and Kathryn Sikkink, p. 13.*

The figure above shows that in order to alter policy, local NGOs (in State A) link with international NGOs or local NGOs in another state (State B) that have a better institutional access for their activism. This networking contains creating both unidirectional and mutual links between organisations while allowing the transfer of various resources such as expertise, information and money.⁴⁴⁷ Accordingly, the NGOs in State A transfer information to the NGOs in State B, while the NGOs in State B call their sympathetic home country to exert pressure on State A to change its oppressive policies. Generally speaking, NGOs prefer to change policy and advocate in their home countries, but due to the lack of this choice, they tend shift their resources (e.g. material resources and information) to NGOs in other countries that are more supportive to their cause. When external NGOs (State B) allied with sympathetic foreign governments manage to exert pressure on the oppressive state (State A) to change its policy, then domestic NGOs (State A) can attain policy change at their home countries.⁴⁴⁸ Hence, the boomerang pattern serves as a typical model for

⁴⁴⁷ Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998).

⁴⁴⁸ Elizabeth A. Bloodgood and Emily Clough, "Transnational Advocacy Networks: A Complex Adaptive Systems Simulation Model Of The Boomerang Effect", *Social Science Computer Review* 35, no. 3 (2016): 319-335, doi:10.1177/0894439316634077.

transnational NGO actions.⁴⁴⁹ Various scholars have presumed that networking has consistently positive results for NGOs and confirmed in many case studies that effective NGOs had networks.⁴⁵⁰

It is believed that the boomerang effect was inspired by the constructivist model of the norm life cycle proposed that presents the improvement of international norms as a process that consists of three stages: emergence, cascade and domestic internalisation driven by different sets of actors who use different mechanisms to achieve normative change.⁴⁵¹ Also the authors of the boomerang effect consider it as alternative model of the two-level game, which is seen as useful for describing domestic and international issues.⁴⁵²

It is claimed that the boomerang model is the most popular pattern in the study of transnational civil society organisations.⁴⁵³ The current research argues that TANs must confront the dimension of opposition parliamentarians especially those from an ethnic minority background as key player initiating actions and pressuring more powerful actors to take positions alongside other NSAs such as NGOs. Therefore, the more general boomerang model in figure 1 became a template for a graphical representation of the process of internationalisation. For that reason, a modification is proposed to the model in figure 1 to contextualise the case of the Arab citizens in Israel and to give prominence to the role of the Arab and international parliamentarians. This is shown in the modified boomerang pattern in figure 2 and 3.

⁴⁴⁹ Elizabeth A. Bloodgood and Emily Clough, "Transnational Advocacy Networks: A Complex Adaptive Systems Simulation Model Of The Boomerang Effect", *Social Science Computer Review* 35, no. 3 (2016): 319-335, doi:10.1177/0894439316634077.

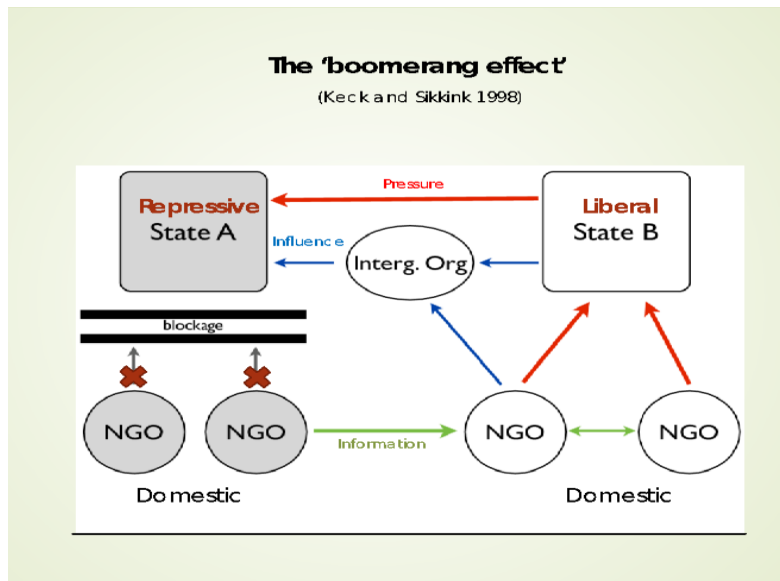
⁴⁵⁰ E.g. Bloodgood and Clough, "Transnational Advocacy Networks: A Complex Adaptive Systems Simulation Model Of The Boomerang Effect".

⁴⁵¹ Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics And Political Change", *International Organization* 52, no. 4 (1998): 887-917, doi:10.1162/002081898550789.

⁴⁵² Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998).

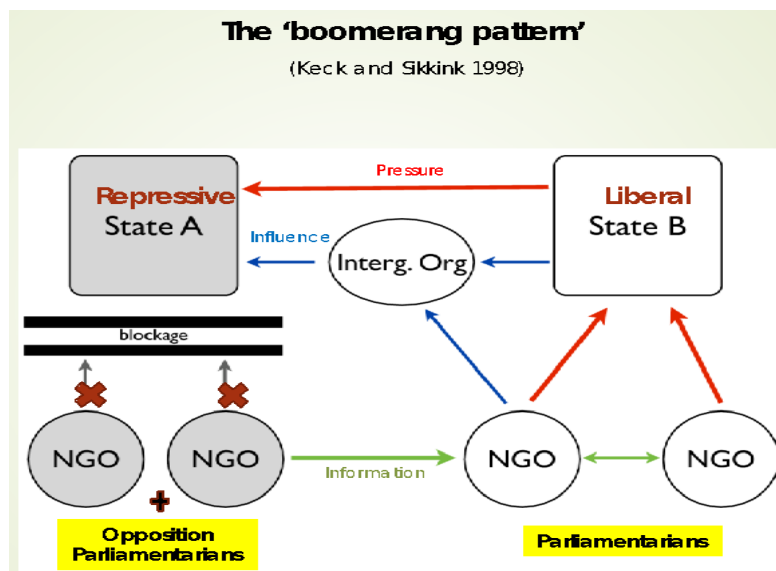
⁴⁵³ Elizabeth A. Bloodgood and Emily Clough, "Transnational Advocacy Networks: A Complex Adaptive Systems Simulation Model Of The Boomerang Effect", *Social Science Computer Review* 35, no. 3 (2016): 319-335, doi:10.1177/0894439316634077.

Figure 2: Modified boomerang pattern



Adapted from (Keck and Sikkink 1998)

Figure 3: Modified boomerang pattern for the Arab minority context



Historically, the 'boomerang effect' had different levels of success. However, it is noticed that transnational activities fail more often than it succeeds.⁴⁵⁴ The campaign results are influenced by various elements that might increase the state's susceptibility to pressure. Various conditions refer to the extent that targeted states are being responsive to pressure. These include (1) if a state has bilateral international agreements (2) is seeking to protect or rise its access

⁴⁵⁴ Sidney Tarrow, *The New Transnational Activism* (New York: Cornell University, 2005), 200.

to the global market (3) is looking for a recognition as a democratic state; (4) or is likely to gain or lose economic chances as a result of its international standing.⁴⁵⁵

3.4.1 Pitfalls and complications

The 'boomerang effect' received was mainly criticised due to: 1) the imbalance of power between states 2) less effective against superpowers. One of the key critics of Keck and Sikkink's 1998 model refers to the imbalance of power between states. That is, the role of the Western countries is central to the success of the work of TANs. Bypassing the oppressive state by referring to international networks only works if other states or international institutions are willing to take up this call.⁴⁵⁶ As a result, it is argued that the boomerang effect can only work against non-Western states. Also, many argue that the vulnerability of the target state is thus a key factor in network effectiveness. Hence, human rights pressures would not be effective against strong states that can impose significant costs on the states that pressure them. For instance, network activists admit that they have been less effective against states that superpowers consider important to their national security interests: countries such as Saudi Arabia, Israel, Turkey, China, and Pakistan.⁴⁵⁷

The second prominent criticism of the model is that it analyses the power relations within and between NGOs and their partners rather than focusing on the challenges of NGOs face in their international campaigns. It is argued that NGO lobby groups would have less influence on policy-making than that of traditional interest groups and mass membership organisations (e.g. trade unions).⁴⁵⁸ NGOs similarly to 'new' social movements, are well known for their moral authority and include educated minority. However, they lack the capacity for popular mobilisation,⁴⁵⁹ and without a large or concentrated membership, which could threaten the electoral prospects of political candidates or the

⁴⁵⁵ Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks In The Movement Society", in *The Social Movement Society: Contentious Politics For A New Century* (New York: Rowman & Littlefield, 1998).

⁴⁵⁶ Gideon Baker and David Chandler, *Global Civil Society* (London: Routledge, 2005).

⁴⁵⁷ Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998).

⁴⁵⁸ David P. Forsythe, *Human Rights In International Relations* (Cambridge [etc.]: Cambridge university press, 2000).

⁴⁵⁹ Mary Kaldor, "The Idea Of Global Civil Society", *International Affairs* 79, no. 3 (2003): 583-593, doi:10.1111/1468-2346.00324.

financial resources to affect party financial contributions, it would seem that small groups of NGO lobbyists are in a weak position either to influence the policy of their own government or that of foreign governments.⁴⁶⁰ Critics of the theory, however, acknowledge its general utility and believe that it should be further investigated and developed rather than discarded. Indeed, the spiral mode was developed to a more model, that is, the 'spiral model'.

3.5 The 'spiral model' of human rights change⁴⁶¹

Over the last two decades, International Relations scholars looked at how certain ideas achieve the status of norms altered the behaviour of states and other actors in global politics.⁴⁶² The causal mechanisms that support the internalisation of international norms into domestic political arenas and that enables us to understand the effects of 'internationalisation' have been conceptualised firstly by Risse et al. (1999) using the so-called spiral model.⁴⁶³ In their well-known edited volume *The Power of Human Rights (POHR)*, Risse et al.'s (1999) examine through a constructivist framework the influence that international human rights norms embodied in the 1948 UN Declaration of Human Rights have had on governments' behaviour, identity and interests.⁴⁶⁴ Risse et al.'s model (1999) helps to explain how transnational networks challenge the repression of individual governments in order to change their domestic human rights situation. Risse et al.'s (1999) volume synthesise rational choice and constructivist approaches and suggest that the contest between the two schools of compliance theory is no longer useful.⁴⁶⁵

The spiral model remains the reference for most studies on multi-level human rights politics and compliance with human rights norms".⁴⁶⁶ The 'spiral model'

⁴⁶⁰ David Chandler, "The Responsibility To Protect? Imposing The 'Liberal Peace'", *International Peacekeeping* 11, no. 1 (2004): 59-81, doi:10.1080/1353331042000228454.

⁴⁶¹ Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (Cambridge: Cambridge University Press, 1999), 66.

⁴⁶² <https://academic-oup-com.brad.idm.oclc.org/fpa/article/13/3/701/3077289>

⁴⁶³ Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (Cambridge: Cambridge University Press, 1999).

⁴⁶⁴ Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (Cambridge: Cambridge University Press, 1999), 2.

⁴⁶⁵ Andrea Liese, *Staaten Am Pranger* (Wiesbaden: VS Verlag für Sozialwissenschaft, 2006), 50.

⁴⁶⁶ Anja Jetschke and Andrea Liese, "Paper Presented For The Workshop: The Power Of Human Rights: Ten Years After", in *Workshop At The University Of Wyoming Conference Center* (Laramie WY: The University of Wyoming, 2009), 28.

builds upon previous work of both the 'boomerang effect' and TANs.⁴⁶⁷ The spiral model incorporates especially the influence of transnational human rights regimes on the normalisation of state policy. The spiral model ascribes great magnitude to psychosocial factors in the process of change. Processes of shaming and denunciation lead first to strategic concessions. However, later the changes acquire a binding status, as governments and people go through processes of internalization and habituation to the universal norms. Shaming by HROs is crucial to many theoretical models of human rights improvement.⁴⁶⁸

Risse, Ropp, and Sikkink's (1999) offered a five-stage 'spiral model' to explain states' progression from 'repression' to 'rule-consistent behaviour'. This transformation from a norm-violating state into a norm-adhering state occurred through what the authors label as the 'socialisation processes' of human rights norms. Three types of socialization processes which are necessary for enduring change in the human rights area: adaptation and strategic bargaining, processes of moral consciousness-raising, "shaming", argumentation, dialogue and persuasion;" and processes of institutionalization and habitualization. Central to these socialisation processes are transnational human rights networks that exert moral pressure on norm-violating states 'from above', meaning from abroad, and 'from below'. The different phases of the human rights development of an initially norm-violating country are, according to the authors of the 5-phase spiral model:⁴⁶⁹

1. Phase one: 'repression'

At this stage, norm-violating governments endorse policies of repression. International non-governmental organisations (INGOs) are dependent on domestic groups (NGOs) to receive information about human rights abuses in the country. The role of TANs is crucial in the first stage. If the

⁴⁶⁷ Thomas Riss, Stephen C. Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (Cambridge: Cambridge University Press, 1999).

⁴⁶⁸ Thomas Riss, Stephen C. Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (Cambridge: Cambridge University Press, 1999); Amanda M. Murdie and David R. Davis, "Shaming And Blaming: Using Events Data To Assess The Impact Of Human Rights Ingos", *International Studies Quarterly* 56, no. 1 (2011): 1-16, doi:10.1111/j.1468-2478.2011.00694.x;

⁴⁶⁹ Rolf Schw arz, "The Paradox Of Sovereignty, Regime Type And Human Rights Compliance", *The International Journal Of Human Rights* 8, no. 2 (2004): 199-215, doi:10.1080/1364298042000240861.

links between the to the national and the external parties are too weak then repression may last for a long time.⁴⁷⁰ Should these domestic advocacy networks succeed in gathering sufficient information on the repression bringing attention to their cause, there is a transition to the second phase of the spiral model, 'denial'.⁴⁷¹

At this level, it is noticed that the success in the activation of external networks is in line with the concepts of both internationalisation and 'boomerang effect'. At this level, this thesis suggests modifying the model to insert the theoretical concept 'internationalisation' by adding a new independent phase after the first phase of repression. This would also contribute more clarity to the dynamics of the model.

2. Phase two: 'denial'

Once the norm-violating state is on the international agenda, its assumed that its initial reaction to accusations of undemocratic behaviour is usually one of denial. This denial might be either on the ground of the sovereignty principal that oppose any international intervene in domestic affairs, either based on the state's rejection of the legitimacy of international norms.⁴⁷²

At this level, TANS start to lobby different actors such as policy makers in liberal states, public opinion and human rights organisations. The lobby process can take discursive form that involves moral *persuasion* of Western countries. By reminding them of their identity and liberal values, European countries are called to condemn actions of authoritarian regimes. They might be at risk of public *shaming* should they refuse to take a clear stance. The authors of the model suggest that in some cases, external pressure might generate some improvement in the

⁴⁷⁰ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (New York: Cambridge University Press, 1999).

⁴⁷¹ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights: From Commitment To Compliance* (New York: Cambridge University Press, 2013), 126.

⁴⁷² Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights: From Commitment To Compliance* (New York: Cambridge University Press, 2013), 6.

target state policies already in this phase of the model. It is noted that although most accused states go through denial, this phase is not always necessary and some countries might skip it.⁴⁷³

3. Phase Three: 'tactical concessions'

The authors argue that when governments make minor concessions, they underestimate the impact of these changes. Leaders of authoritarian states tend to believe that 'talk is cheap' and they are unaware of the fact that they can become 'entrapped' in their own rhetoric, which in turn allows a room for more criticisms. The importance of the third phase lays in strengthening domestic networks whose demands are legitimated through international attention. As a result, local opposition would increase and be added to external pressure.

This phase is seen as the most significant process of the spiral model, as it can move toward changing the target state behaviour, however, it is possible that regimes decide to increase oppression.⁴⁷⁴

4. Phase four: 'perspective status'

At this point the states in question is challenged with human rights activists and as a result it decides to liberalise its policies, internalise human rights norms and later, to a modify its actual behaviour. This phase is characterised by acknowledgment of the validity of human rights norms and involve actions such as ratification of international treaties or enshrining of new norms into domestic law.⁴⁷⁵

⁴⁷³ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (New York: Cambridge University Press, 1999).

⁴⁷⁴ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights: From Commitment To Compliance* (New York: Cambridge University Press, 2013), 126.

⁴⁷⁵ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (New York: Cambridge University Press, 1999).

The authors highlight four cases that help to determine whether countries have accepted the legitimacy of human rights norms and moved towards 'prescriptive status': 1) if the regime is no longer oppose international in its domestic affairs and talk with opposition groups 2) if there is an authorised body that monitor and address human rights violations 3) if the state ratified international human rights covenants 4) if the state enshrined human rights norms in its domestic law or constitution.

5. The final phase: 'rule-consistent behaviour'

This final stage occurs when state's liberal policy is translated into real behaviour. Words and conducts of former oppressive states are now matched, and human rights norms compliance becomes a part of the permanent behaviour of the state.⁴⁷⁶ Initially, Risse et al., (1999) model was proposed for authoritarian states, however, in their book, *The Persistent Power of Human Rights: From Commitment to Compliance*, Risse et al., (2013)⁴⁷⁷ applied their model to Western democracies and the US. In their 2013 edited volume, the authors have broadened their study in relation to both state actors and non-state armed groups, and examined the applicability of the spiral model in 'limited statehood' areas. The authors also modified their spiral model and included conditions for moving from human rights commitment to real compliance with them, and account for possible declining in the state's compliance with human rights norms as a reaction for a culturally or security deterioration.⁴⁷⁸

The spiral model is considered as valuable for worldwide empirical research due to its explanatory power value of the different levels of human rights

⁴⁷⁶ Rolf Schw arz, "The Paradox Of Sovereignty, Regime Type And Human Rights Compliance", *The International Journal Of Human Rights* 8, no. 2 (2004): 199-215, doi:10.1080/1364298042000240861.

⁴⁷⁷ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights* (UK: Cambridge University Press, 2013). P.126

⁴⁷⁸ E. S. Bates, "Sophisticated Constructivism In Human Rights Compliance Theory", *European Journal Of International Law* 25, no. 4 (2014): 1169-1182, doi:10.1093/ejil/chu084; Anja Jetschke and Andrea Liese, "Paper Presented For The Workshop: The Pow er Of Human Rights: Ten Years After", in *Workshop At The University Of Wyoming Conference Centere*(Laramie WY: The University of Wyoming, 2009), 1-37.

violation, and its general applicability to almost every state. Also, it is believed that the Power Of Human Rights (POHR) book has great contributions to the leading theoretical approaches constructivism and rationalism.⁴⁷⁹ In fact, PoHR increased the influence of constructivism in IRs, particularly through the study on socialisation of norms and international organisations, social sanctions strategies (e.g. shaming), compliance, and regime effectiveness.⁴⁸⁰ The book also generated substantial discussion on the terms of argumentation, persuasion, and public spheres.⁴⁸¹ The spiral model of Risse et al. is illustrated in Figure 2 in the next page.

Figure 2. Spiral model of human rights change⁴⁸²

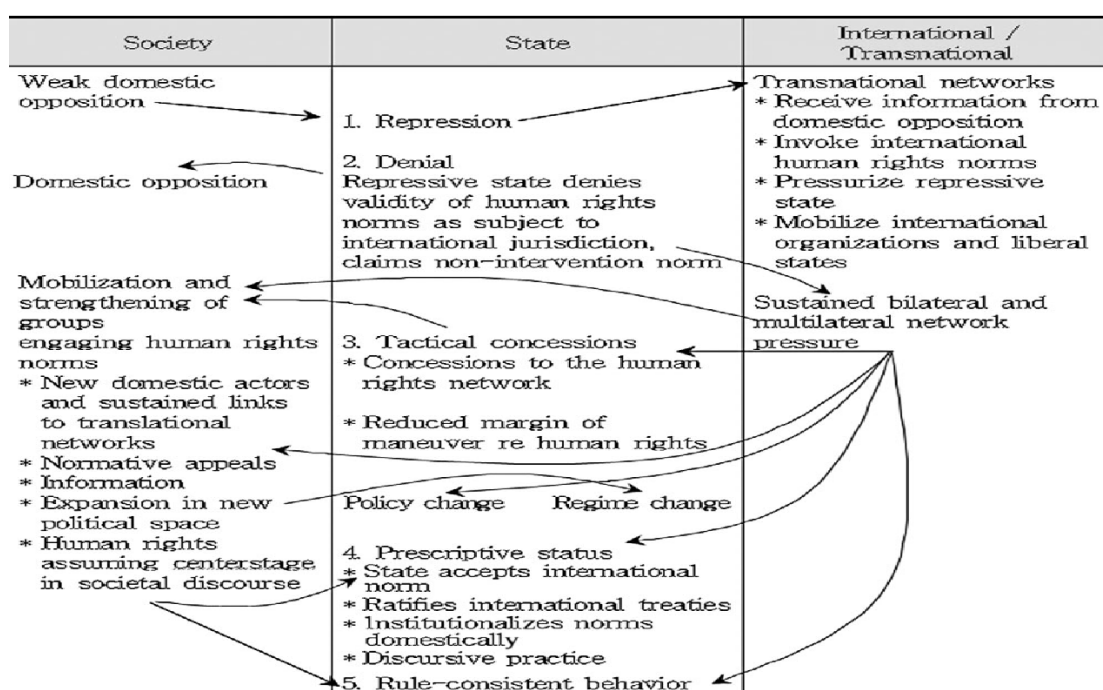


Figure 2: Source: Thomas Risse, Stephen Ropp, and Kathryn Sikkink, eds., *Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999), p. 20.

⁴⁷⁹ Christopher Marsh and Daniel P. Payne, "The Globalization Of Human Rights And The Socialization Of Human Rights Norm", *BYU Law Review* 2007, no. 3 (2007): 665-687.

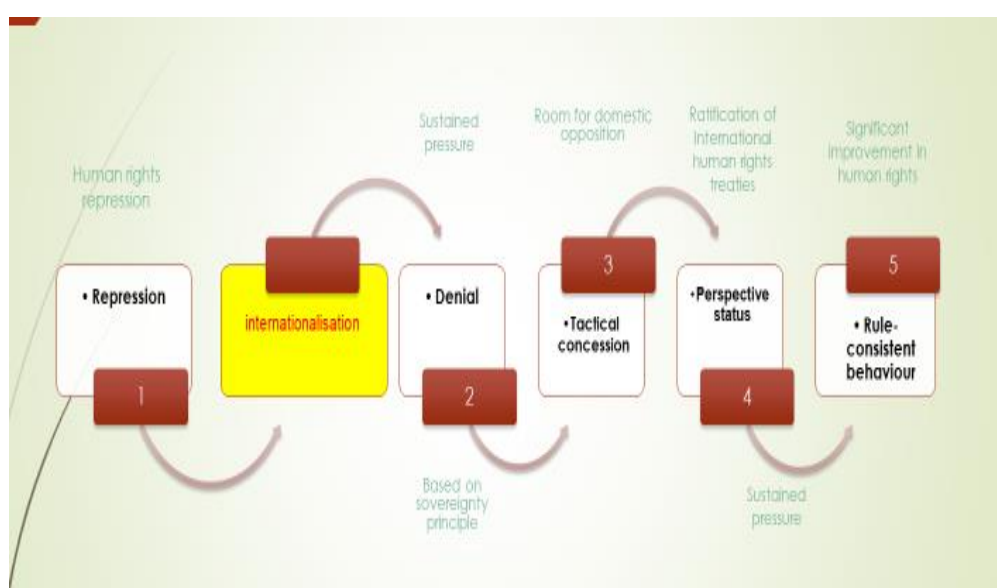
⁴⁸⁰ Jeffrey T. Checkel and Kaare Strøm, "Book Review s", *Comparative Political Studies* 33, no. 10 (2000): 1337-1343, doi:10.1177/0010414000033010004.

⁴⁸¹ Anja Jetschke and Andrea Liese, "Paper Presented For The Workshop: The Power Of Human Rights: Ten Years After", in *Workshop At The University Of Wyoming Conference Center* (Laramie WY: The University of Wyoming, 2009), 1-37.

⁴⁸² Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (Cambridge: Cambridge University Press, 1999), 20.

The spiral model as depicted in figure 2, is somewhat visually complicated, necessary so was it attempts to incorporate the many issues and interrelationships between them that are inherent in the model. That model is a temple, which can cover many different situation and contexts. For the purpose of the current research a more simplified (visually) version, which is directly applicable for visual representation of the case studies is presented in figure 3. Also, it would be necessary to introduce an interim level between 'repression' and 'denial' which would allow for 'internationalisation' along similar lines to the 'boomerang-effect'. For example, if we start at the first level, 'repression' and mobilise international support, the model dictates that the next stage would be automatically 'denial' because the state would deny the legitimacy of external intervention. However, if there is no response from the international communities which have been approached, according to the model, a lack of the internationalisation process being instigated would make it impossible to move on to the next level, 'denial'. This is clearly a weakness. If a new level of 'internationalisation' were to be introduced as an independent and conditional transition from phase one 'repression' to phase two 'denial', the model would more accurately reflect the different stages involved in the internationalisation process, particularly early on.

Figure 3: Modified spiral model for the case studies



3.5.1 Pitfalls and complications

Some of the most striking points of criticism in relation to the spiral model highlight its: 1) excessive determinism 2) negligence of security aspects 3) lack of explanation of network effectiveness 4) ignorance of geostrategic regimes 5) overlook of the domestic dimension 6) ambiguity of the long-term outcomes.

Firstly, the spiral model was widely described as 'deterministic' due to the unidirectional dynamics between the five phases. That is, once development towards human rights compliance has begun, only a positive progress is expected or alternatively a stagnant regime.⁴⁸³ It is also claimed that the spiral model treats the target state as one block and does not account for the relaxation of some oppressive practices that might take place as a response to international shaming without a fundamental change of policy. Put differently, the model does not leave a room for differences in states' policies and distinction between violating actions.⁴⁸⁴ Therefore, in order to address this shortcoming, and based on the case studies that will be introduced in Chapters, 4,5, and 6, this research suggests modifying the model by adding new phases called 'tactical concession plus' to allow explanation for positive development in states' policies while the violation of human rights continues. It is also proposed to add 'repression plus' to explain further deterioration (backlash) in the relations between the targeted state and the oppressed group that is likely to emerge after a successful activation of transnational network.

Secondly, the model fails to acknowledge the impact of security threats and conflicts in shaping counterterrorism policies that in some places come triumph human rights norms.⁴⁸⁵ This point is critical for this study especially for case studies that were chosen from Israel's first twenty years where the security issue was the forefront of the state policies (Chapter 4). Security continues to be highly relevant to in relation to the Arab citizens in Israel in light of the

⁴⁸³ Eran Shor, "Conflict, Terrorism, And The Socialization Of Human Rights Norms: The Spiral Model Revisited", *Social Problems* 55, no. 1 (2008): 117-138, doi:10.1525/sp.2008.55.1.117; Rolf Schw arz, "The Paradox Of Sovereignty, Regime Type And Human Rights Compliance", *The International Journal Of Human Rights* 8, no. 2 (2004): 199-215, doi:10.1080/1364298042000240861; Christopher Marsh and Daniel P. Payne, "The Globalization Of Human Rights And The Socialization Of Human Rights Norm", *BYU Law Review* 2007, no. 3 (2007): 665-687.

⁴⁸⁴ Eran Shor, "Conflict, Terrorism, And The Socialization Of Human Rights Norms: The Spiral Model Revisited", *Social Problems* 55, no. 1 (2008): 117-138, doi:10.1525/sp.2008.55.1.117.

⁴⁸⁵ Shor, "Conflict, Terrorism, And The Socialization Of Human Rights Norms: The Spiral Model Revisited", 117-138.

unresolved Palestinian question and other geopolitical considerations (Chapter 5,6).

Thirdly, the effectiveness of the transnational advocacy network as a key variable was questioned and claimed to be weak. It is argued that there is a lack of relationship between the activities of transnational networks and the emergence of an issue on the international agenda. In this sense, meaningful changes are not necessary a direct result of the efforts of these networks.⁴⁸⁶ This unclear relationship between the agents, processes and outcomes is also found in process such as soft power and public diplomacy. This will be discussed further in the next section.

Fourthly, it is argued that the spiral model analyses the role of international norms in reshaping the state's identity while ignoring its geostrategic importance of the state in question in terms of vulnerability to external pressure. It is agreed that some countries are strategically vital for major Western powers. These include Israel, Saudi Arabia, China Turkey, and Pakistan. Accordingly, it is assumed that they are to a large extent immune to external moral or material pressure.⁴⁸⁷ In other words, the spiral model is applicable only to smaller powerful oppressive regimes that are more susceptible to external pressure rather than superior ones in the international system.⁴⁸⁸ Therefore, the model is seen as unable to provide a comprehensive explanation for socialisation human rights norms among all oppressive countries.⁴⁸⁹ This is in contrast to its authors claim that it 'is generalizable across cases irrespective of cultural, political, or economic differences among countries'.⁴⁹⁰

⁴⁸⁶ R. Charli Carpenter, "Setting The Advocacy Agenda: Theorizing Issue Emergence And Nonemergence In Transnational Advocacy Networks", *International Studies Quarterly* 51, no. 1 (2007): 99-120, doi:10.1111/j.1468-2478.2007.00441.x.

⁴⁸⁷ Rolf Schw arz, "The Paradox Of Sovereignty, Regime Type And Human Rights Compliance", *The International Journal Of Human Rights* 8, no. 2 (2004): 199-215, doi:10.1080/1364298042000240861

⁴⁸⁸ Gerald Robert Pace, 'Human rights from paper to practice: how far have we come?', *Human Rights & Human Welfare* 1, no. 1 (2001): 9 –11.

⁴⁸⁹ Todd Landman, 'Review Article: The Political Science of Human Rights', *British Journal of Political Science* 35 (2005): 565; Rolf Schw arz, "The Paradox Of Sovereignty, Regime Type And Human Rights Compliance", *The International Journal Of Human Rights* 8, no. 2 (2004): 199-215, doi:10.1080/1364298042000240861

⁴⁹⁰ Thomas Risse and Kathryn Sikkink, "The Socialization Of International Human Rights Norms Into Domestic Practices", in *The Power Of Human Rights: International Norms And Domestic Change* (UK, USA, Australia: Cambridge University Press, 1999). P.6.

Fifthly, it is maintained that the spiral model does not account for the role of domestic factors in the process of socialising human rights norms. Internal politics and dynamics led by domestic forces and leaders can play a crucial role in promoting human rights into policy-making based on calculated considerations. However, these dynamics are absent in the spiral model.⁴⁹¹

Lastly, the model was criticised because it does not offer explanation regarding the influence that democratic political system has on 'lasting respect for human rights in that state'.⁴⁹² In other words, there is ambiguity of the long-term outcomes brought about through the practices theorised in the spiral model.

3.6 Theoretical concepts

3.6.1 Internationalisation

The concept of internationalisation in the area of human rights is the main theme of this research. To this end, the author of this study will abide by the definition of Louis Henkin, one of the most prominent U.S. advocates of international human rights in the 20th century. Henkin (1977) views the internationalisation of rights as 'recognition that the treatment of citizens in one country has become the cause of concern in other countries'.⁴⁹³ He adds that:

*'The process of 'internationalised' human rights occurs by transforming matters that had previously been subject to exclusive domestic jurisdiction 'sovereignty' into matters of international concern, putting them permanently in the international political agenda, and providing the foundation for a sturdy edifice of international norms and institutions'*⁴⁹⁴

As such, this definition involves elevating domestic problems to the international level and bringing the attention of the international community to bear on issues of human rights. It is pertinent to human rights concerns of the Arab minority in Israel and a important issue throughout this thesis.

⁴⁹¹ Eran Shor, "Conflict, Terrorism, And The Socialization Of Human Rights Norms: The Spiral Model Revisited", *Social Problems* 55, no. 1 (2008): 117-138, doi:10.1525/sp.2008.55.1.117.

⁴⁹² Rolf Schwarz, "The Paradox Of Sovereignty, Regime Type And Human Rights Compliance", *The International Journal Of Human Rights* 8, no. 2 (2004): 199-215, doi:10.1080/1364298042000240861.

⁴⁹³ Louis Henkin, "The Internationalization Of Human Rights", *Human Rights: A Symposium, Proceeding Of General Education Seminar* 6, no. 1 (1977): 15-16.

⁴⁹⁴ Louis Henkin, "Human Rights: Ideology And Aspiration, Reality And Prospect", in *Realizing Human Rights: Moving From Inspiration To Impact* (New York: ST Martin's Press, 2000), 3-37.

A similar definition of the concept internationalisation has given by Doern, Pal and Tomlin (1996) described it as 'a phenomenon where certain facets of policy or policymaking are impacted by elements from outside a country's domain'.⁴⁹⁵ A brief survey of dictionary definitions is also compatible with Henkin's definition of internationalisation. The first definition from Oxford English Dictionary is: 'to make (something) international or to bring (a place) under the protection or control of two or more nations'.⁴⁹⁶ Merriam-Webster's dictionary is very similar as well: 'to make international or to place under international control'.⁴⁹⁷

The notion of internationalisation has brought a consensus at least from political- legal and rhetorical perspectives that individual human rights (HRs) are of 'international concern', and a fair matter for international organisations, diplomacy, and international law.⁴⁹⁸ In other words, human rights became within the responsibilities of the international community. This new situation challenged the sacred principle of the state sovereignty that opposes any form of external intervention in the internal affairs of countries including the violation of human rights.⁴⁹⁹ Accordingly, it is unlikely that any state would seriously claim that the protection of human rights should be treated as its domestic affair.⁵⁰⁰ That is to say, 'the idea of state sovereignty no longer provides an automatic and impenetrable shield against international action on issues once regarded as essentially domestic'.⁵⁰¹

The academic literature highlights two historical periods that gave the rise for the internationalisation of human rights in general and those for minorities in particular. Firstly, it refers to the aftermath of the Second World War where a

⁴⁹⁵ G. Bruce Doern, Leslie Alexander Pal and Brian W Tomlin, *Border Crossings* (Toronto: Oxford University Press, 1996).

⁴⁹⁶ "Internationalize | Definition Of Internationalize In English By Oxford Dictionaries", *Oxford Dictionaries | English*, 2018, <https://en.oxforddictionaries.com/definition/internationalize>.

⁴⁹⁷ "Definition Of Internationalization", *Merriam-Webster.Com*, 2018, <https://www.merriam-webster.com/dictionary/internationalization>.

⁴⁹⁸ Louis Henkin, "International Human Rights As "Rights"", *American Society For Political And Legal Philosophy* 23 (1981): 257-280.

⁴⁹⁹ Robert Lansing, "Notes On sovereignty In A State", *The American Journal Of International Law* 1, no. 2 (1907): 297, doi:10.2307/2186165. The World Court that the state 'is subject to no other state, and has full and exclusive power within its jurisdiction'.

⁵⁰⁰ GM Ferretra, "The Impact Of Treaty Reservations On The Establishment Of An International Human Rights Regime", *The Comparative And International Law Journal Of Southern Africa* 38, no. 2 (2005).

⁵⁰¹ David P Forsythe, *Human Rights In International Relations* (Cambridge [etc.]: Cambridge university press, 2000), 5-24.

post- Holocaust atmosphere increased concern for such rights through United Nations Declaration of Human Rights, and the UN intervention in protracted conflicts and discrimination of human rights in different states. For example, in early 1950s, the issue of the Apartheid in South Africa was on the agenda of the General Assembly. This was despite the strong opposition of the South African delegation that accused the UN in breaching the non- intervention and state sovereignty principle.⁵⁰²

The second turning point in the history of internationalisation refers to the period of the end of the Cold War where the collapse of the communist block served as catalysed for the internationalisation of minority rights. It is argued that as a response to the 1980s ethnic conflicts, Western countries came to the conclusion that it is necessary to internationalise the treatment of national minorities in post-communist nations.⁵⁰³ Accordingly, in his scholarly work, 'internationalisation of minority rights' 'Multiculturalism and Minority Rights: West and East', Kymlicka (2002) argues 'How states treat their minorities is now seen as a matter of legitimate international concern, monitoring and intervention'.⁵⁰⁴ More details about the advantages and the limitation of the existing international mechanisms for minority rights will be discussed further in the next Chapter.

The processes of internationalisation whereby human rights and minority rights were brought to international evolved considerably during the period after the Second World War and the growth of NGOs and TANs created networks of channels for the internationalisation of human rights issues. However, even prior to the development of such networks, there was scope for internationalisation by other actors due to the manner in which commitment to the observance and safeguarding of human rights and minority rights had been embedded in the institutions of global governance. For this reason, it can be

⁵⁰² Louis Henkin, "International Human Rights As "Rights"", *American Society For Political And Legal Philosophy* 23 (1981): 257-280.

⁵⁰³ WILL Kymlicka, "The Internationalization Of Minority Rights", *International Journal Of Constitutional Law* 6, no. 1 (2007): 1-32, doi:10.1093/icon/mom032.

⁵⁰⁴ Will Kymlicka, "Multiculturalism: Success, Failure, And The Future", *Migrationpolicy.Org*, 2012, <https://www.migrationpolicy.org/research/TCM-multiculturalism-success-failure>.

argued that the spiral model is a useful analytical approach even for the time period before NGOs and TNAs became more widespread and effective.

3.6.2 Soft Power

The concept of soft power has risen significantly in scholarly and public debates on foreign affairs in recent years. It is claimed that soft power is based on a combination of a constructivist (e.g. identity, culture and norms)⁵⁰⁵ and neo-liberal attitudes⁵⁰⁶ in the utility of power.⁵⁰⁷ While the classic realist vision of power that has seen influence as a direct function of material resources, soft power holds a great potential to convince others to share your aspiration and preferences through the attraction of intangible universal resources such as ideology and culture. Nye (1990)⁵⁰⁸ introduced the concept of soft power as the second face of power, which is intangible:

*'a co-optive power or indirect power which can help in receiving others to want what you want and it shapes preferences of others by attraction of intangible resources such as universalistic popular culture or political cohesion'*⁵⁰⁹

The notion of soft power relies on three sources: values, culture, political, and foreign policy culture can be high culture such as literature, art, and education, and popular culture. If a country's culture includes universal values and promotes interests and values, which other countries share, it can produce soft power based on attraction.⁵¹⁰

The literature highlights two main weaknesses in relation to soft power. Firstly, it has a measurability problem. Put differently, it is hard to prove that one state's behaviour is a direct outcome of other states' soft power.⁵¹¹ Secondly, the soft

⁵⁰⁵ Chitty, "Soft Power, Civic Virtue And World Politics", in *The Routledge Handbook Of Soft Power*, 4-31.

⁵⁰⁶ Naren Chitty, "Soft Power, Civic Virtue And World Politics", in *The Routledge Handbook Of Soft Power* (London and New York: Routledge, 2017), 4-31.

⁵⁰⁷ Giulio M Gallarotti, *Cosmopolitan Power In International Relations: A Synthesis Of Realism, Neo-Liberalism And Constructivism* (Cambridge: Cambridge University Press, 2010).

⁵⁰⁸ Joseph S. Nye, Jr., "Soft Power", *Foreign Policy* 80 (1990): 153-171, doi:DOI: 10.2307/1148580.

⁵⁰⁹ Nye, "Soft Power", *Foreign Policy* 80 (1990): 153.

⁵¹⁰ Joseph S. Nye, "Soft Power And American Foreign Policy", *Political Science Quarterly* 119, no. 2 (2004): 255-270, doi:10.2307/20202345.

⁵¹¹ Umut YUKARUÇ, "A Critical Approach To Soft Power", *Journal Of Bitlis Eren University Institute Of Social Sciences* 6, no. 2 (2017): 491-502.

power process suffers from a lack of clarity in relation to the main agents of this conception. That is, countries are not the only actors who own soft power; rather there are additional agents such as celebrities, businesses, and civil society groups. Yet, while these actors are not subjected to the control of the state, the links between them and their states are not explained.⁵¹²

Some authors point indirectly to the feasibility of NGOs⁵¹³ and TANs⁵¹⁴ as potential agents of soft power. This thesis shows how the concept of soft power is in line with both the 'boomerang effect', and the concept of 'internationalisation' that are the initial desired outcome, and a vital condition for the progress of the spiral model. Also, it shows how both Arab MKs and NGOs use the internationalisation as a strategy to generate a soft power (see case studies in Chapters 4,5,6).

3.6.3 Public diplomacy (PD)

Public diplomacy (PD) is evaluated in the academic literature as a means of a state's soft power, and as the most significant instruments of foreign policy⁵¹⁵ that was vital in determining the cold war.⁵¹⁶ The term of public diplomacy has been developed over the years; while it was commonly used as an exclusive tool infer the state control, some studies show that it is now in the use of other groups such as private individuals, NGOs.⁵¹⁷ As Murrow (1963) puts it:

*'interactions not only with foreign governments but primarily with nongovernmental individuals and organizations, and often presenting a variety of private views in addition to government views'*⁵¹⁸

⁵¹² Geraldo Zahran and Leonardo Ramos, "From Hegemony To Soft Power: Implications Of A Conceptual Change", in *Soft Power And US Foreign Policy: Theoretical, Historical And Contemporary Perspectives* (New York: Routledge, 2010), 20.

⁵¹³ E.g. Paul Wapner, "Defending Accountability In Ngos", *Chicago Journal Of International Law*; Chicago 3, no. 1 (2002): 197-205; Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks In International Politics* (New York: Cornell University Press, 1998).

⁵¹⁴ Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks In International Politics* (New York: Cornell University Press, 1998).

⁵¹⁵ Umut YUKARUÇ, "A Critical Approach To Soft Power", *Journal Of Bitlis Eren University Institute Of Social Sciences* 6, no. 2 (2017): 491-502.

⁵¹⁶ Joseph S. Nye JR, "Public Diplomacy And Soft Power - Joseph S. Nye, 2008", *Journals.Sagepub.Com*, 2008, <http://journals.sagepub.com/doi/abs/10.1177/0002716207311699>.

⁵¹⁷ Gilboa, Eytan. "Searching For A Theory Of Public Diplomacy". *The Annals Of The American Academy Of Political And Social Science* 616 (2008): 57; Andrew Fenton Cooper, Jorge Heine and Ramesh Chandra Thakur, *The Oxford Handbook Of Modern Diplomacy* (Oxford: Oxford University Press, 2013).

⁵¹⁸ Mark Leonard (London: Foreign Policy Centre, 2002).

The most prominent contribution of constructivism to PD refers to its acknowledgment of the power of sociological attitudes such as identity- building and socialisation. For example, political socialisation can be achieved as a result of close interaction between states that share mutual interests and identities.⁵¹⁹ In this sense, it is argued that constructivism tackles international politics through aspects that were ignored by others (e.g. liberalism and neo-realism), and introduced new promising attitude to field of PD.⁵²⁰ That is to say, it treats social constructs such as values, norms and identities as the main source of power,⁵²¹ that can serve PD in formulating country's international image, and contribute to the foreign public debate.⁵²²

Similar definitions to PD also described it as 'direct communication with foreign peoples, with the aim of affecting their thinking, and ultimately, that of their governments',⁵²³ or as 'the process by which direct relations are pursued with a country's people to advance the interests and extend the values of those being represented'.⁵²⁴ In this sense, PD relies on constructivist principles that offer alternative model for the supremacy of material power in attaining results based on social interaction and understanding the power of ideational and normative structures. As Peter van Ham (2010) puts it:

*'the means by which states, associates of states and non-state actors understand cultures, attitudes and behaviour, build and manage relationships; and influence opinions and actions to advance their interests and values'*⁵²⁵

⁵¹⁹ Alexander Wendt, "Anarchy Is What States Make Of It: The Social Construction Of Power Politics", *International Organization* 46, no. 02 (1992): 404-407, doi:10.1017/s0020818300027764.

⁵²⁰ Katarzyna Pisarska, *The Domestic Dimension Of Public Diplomacy* (London: Palgrave Macmillan UK :Imprint: Palgrave Macmillan, 2016).

⁵²¹ Peter van Ham, *Social Power In International Politics* (New York: Routledge, 2010).

⁵²² Eytan Gilboa, "Searching For A Theory Of Public Diplomacy", *The Annals Of The American Academy Of Political And Social Science* 616 (2008): 56; Sabine Saurugger, "Constructivism And Public Policy Approaches In The EU: From Ideas To Power Games", *Journal Of European Public Policy* 20, no. 6 (2013): 888-906, doi:10.1080/13501763.2013.781826.

⁵²³ Gifford D. Malone, "Managing Public Diplomacy", *The Washington Quarterly* 8, no. 3 (1985): 199, doi:10.1080/01636608509450301.

⁵²⁴ Paul Sharp, *Revolutionary States, Outlaw Regimes And The Techniques Of Public Diplomacy* (Basingstoke: Palgrave Macmillan, 2005).

⁵²⁵ Peter van Ham, *Social Power In International Politics* (New York: Routledge, 2010); Bruce Gregory, "American Public Diplomacy: Enduring Characteristics, Elusive Transformation", *The Hague Journal Of Diplomacy* 6, no. 3 (2011): 353, doi:10.1163/187119111x583941.

It is noted that both media⁵²⁶ and communication technologies such as the Internet are also play a significant role in public diplomacy. They facilitate reaching wide range of foreign publics, states and NGOs, and provide opportunities for all to exchange ideas about international affairs.⁵²⁷ These dynamics is acknowledged in the literature as New Public Diplomacy (NPD) and has been articulated by a number of notable authors.⁵²⁸ In essence, NPD refers to activities that aim to promote cooperation and mutual understanding with foreign people through civil society channels rather than state officials.⁵²⁹ It is even claimed that this new approach was inspired by the work of NGOs advocacy.⁵³⁰ NPD also highlights a strategic shift in delivering messages. It pays more attention to social relations that become an aim by itself, and less focuses on changing behaviour or beliefs of foreign nations.⁵³¹

Constructivist approaches are also helpful to explain the legitimacy of strategies that actors pursue in policy-making processes. For example, public policy in this case is understood as a result of communication between who actors share common norms and values rather than of mutual interest. General constructivist approaches in public policy aim to clarify why some proposals have more legitimacy in a discussion than others:

*'Politicians, officials, the spokesmen for societal interests, and policy experts all operate within the terms of political discourse that are current in the nation at a given time, and the terms of political discourse generally have a specific configuration that lends representative legitimacy to some social interests more than others, delineates the accepted boundaries of state action, associates contemporary political developments with particular interpretations of national history, and defines the context in which many issues will be understood'*⁵³²

⁵²⁶ Umut Yükaruc, "A Critical Approach To Soft Power", *Journal Of Bitlis Eren University Institute Of Social Sciences* 6, no. 2 (2017): 491-502.

⁵²⁷ Eytan Gilboa, "Searching For A Theory Of Public Diplomacy", *The Annals Of The American Academy Of Political And Social Science* 616 (2008): 56.

⁵²⁸ Jan Melissen, *The New Public Diplomacy: Soft Power In International Relations* (Hampshire: Palgrave macmillan, 2005); R.S. Zaharna, "The Soft Power Differential: Network Communication And Mass Communication In Public Diplomacy", *The Hague Journal Of Diplomacy* 2, no. 3 (2007): 213-228, doi:10.1163/187119007x240505.

⁵²⁹ Sarah Ellen Graham, "Emotion And Public Diplomacy: Dispositions In International Communications, Dialogue, And Persuasion", *International Studies Review* 16, no. 4 (2014): 527, doi:10.1111/misr.12156.

⁵³⁰ R.S. Zaharna, "The Soft Power Differential: Network Communication And Mass Communication In Public Diplomacy", *The Hague Journal Of Diplomacy* 2, no. 3 (2007): 221, doi:10.1163/187119007x240505.

⁵³¹ Sarah Ellen Graham, "Emotion And Public Diplomacy: Dispositions In International Communications, Dialogue, And Persuasion", *International Studies Review* 16, no. 4 (2014): 527, doi:10.1111/misr.12156.

⁵³² Peter A. Hall, "Policy Paradigms, Social Learning, And The State: The Case Of Economic Policymaking In Britain", *Comparative Politics* 25, no. 3 (1993): 289, doi:10.2307/422246.

It is worth mentioning that another new concept called 'nation branding' has evolved in the context of public diplomacy. Nation branding is also used as another tool for altering perceptions of a target society. However, despite its similarity to public relations, nation branding is closer to the idea of soft power rather than PD. It differs from the latter in terms of purposes and results. While the concept of nation branding is primarily focuses on 'image and symbols management, relationship building, and extensive use of the mass media', ⁵³³ the role of public diplomacy cannot be limited to only images and slogans. ⁵³⁴

3.6.4 Soft power of parliamentary diplomacy

'Parliamentary diplomacy' is mostly used by politicians,⁵³⁵ but as an academic term it has been almost invisible for years.⁵³⁶ It is argued that one of the reasons why this term has not widely discussed by scholars refers to its inability to simply present the conventional elements of IR theory as desired by allegedly 'Institutionalist' or 'Realist' approaches.⁵³⁷ This resulted in ambiguity of the term and in evolving of various definitions of the concept.⁵³⁸ One valid definition of parliamentary diplomacy is offered by Weiglas and de Boer (2007):

'the full range of international activities undertaken by parliamentarians in order to increase mutual understanding between countries, to assist each other in improving the control of governments and the representation of a people and to increase the democratic legitimacy of inter-governmental institutions' ⁵³⁹

Generally speaking, parliamentary diplomacy as described in the quote above is widely used to endorse discussion, common understanding and trust building

⁵³³ Eytan Gilboa, "Searching For A Theory Of Public Diplomacy", *The Annals Of The American Academy Of Political And Social Science* 616 (2008): 68.

⁵³⁴ Gilboa, "Searching For A Theory Of Public Diplomacy", *The Annals Of The American Academy Of Political And Social Science*, 68.

⁵³⁵ Durbek Sayfullaev, "Parliamentary Diplomacy In Making Of Foreign Policy", *The Advanced Science Journal* 2016, no. 1 (2016): 52-54, doi:10.15550/asj.2016.01.052.

⁵³⁶ Stavridis Stelios, "'Parliamentary Democracy': Some Preliminary Findings", HTML, (2002), JMWP, Archive of European Integration (AEI).

⁵³⁷ Norbert Götz, "On The Origins Of 'Parliamentary Diplomacy': Scandinavian 'Bloc Politics' And Delegation Policy In The League Of Nations", *SAGE* 40, no. 3 (2005): 276, doi:10.1177/0010836705055066.

⁵³⁸ Dean Rusk, "Parliamentary Diplomacy – Debate Vs. Negotiation", *World Affairs Interpreter* 26 (1955): 38-121; Rabi Ray, *Parliamentary Diplomacy* (New Delhi: S. Chand & Co., 1991); Volker Olker Riitberger, "Global Conference Diplomacy And International Policy-Making: The Case Of UN-Sponsored World Conferences", *European Journal Of Political Research* 11, no. 2 (1983): 167-182, doi:10.1111/j.1475-6765.1983.tb00054.x; S. D. Bailey, "Parliamentary Diplomacy", *Parliamentary Affairs* no. 3 (1962): 308-314, doi:10.1093/oxfordjournals.pa.a054006; George Noulas, "The Role Of Parliamentary Diplomacy In Foreign Policy", *Foreign Policy*, 2011; Sabic, "Building Democratic And Responsible Global Governance: The Role Of International Parliamentary Institutions", *Parliamentary Affairs* 61, no. 2 (2008): 255-271, doi:10.1093/pa/qsm062.

⁵³⁹ Frans Weiglas and Gonnée de Boer, "Parliamentary Diplomacy", *The Hague Journal Of Diplomacy* 2, no. 1 (2007): 93-94, doi:10.1163/187119007x180494.

between states. It is also argued that parliamentary diplomacy can be used as part of international efforts to tackle worldwide challenges, and its role in promoting global peace and development was previously acknowledged by the UN.⁵⁴⁰

Parliamentary diplomacy works on several levels. For example, some parliaments can be involved in international affairs either directly or indirectly. This involvement can be official or unofficial, led by individuals or parties openly or covertly, and conducted regardless of domestic executives' approval.⁵⁴¹ Parliamentary diplomacy includes foreign affairs actions of individual legislators (e.g. chairpersons and speakers), groups of MPs (e.g. friendship groups, committees, delegations), international parliamentary organisations, or bilateral inter-parliamentary forums.⁵⁴²

It is believed that one of the main disadvantages of parliamentary diplomacy is the limited power of legislators in international (e.g. lack of financial resources) arena compared with businesses, governments, and NGOs.⁵⁴³ Another key problem of parliamentary diplomacy is that its effectiveness is highly related to the availability of lawmakers in terms of time and expertise. In addition, both power and availability are most likely to be interrupted due to the instable nature of the work of MPs that does not guarantee continuous membership.⁵⁴⁴ The fact that mandates can differ greatly between delegations could lead to drawing vague and noncommittal conclusions or statements.⁵⁴⁵ As a result, it has been argued that parliamentary diplomacy is nothing more than 'parliamentary tourism'.⁵⁴⁶

⁵⁴⁰ Durbek Sayfullaev, "Parliamentary Diplomacy In Making Of Foreign Policy", *The Advanced Science Journal* 2016, no. 1 (2016): 52-54, doi:10.15550/asj.2016.01.052.

⁵⁴¹ Malamud, Andrés, and Stelios Stavridis. "Parliaments And Parliamentarians As International Actors". In *The Ashgate Research Companion To Non-State Actors*. Ashgate Joins Routledge, 2016.

⁵⁴² "The Soft Power Of Parliamentary Diplomacy", *Diplomatic Magazine*, 2015,

<http://www.diplomatmagazine.nl/2015/06/07/the-soft-power-of-parliamentary-diplomacy/>; Frans Weisglas and Gonnée de Boer, "Parliamentary Diplomacy", *The Hague Journal Of Diplomacy* 2, no. 1 (2007): 97, doi:10.1163/187119007x180494.

⁵⁴³ Frans Weisglas and Gonnée de Boer, "Parliamentary Diplomacy", *The Hague Journal Of Diplomacy* 2, no. 1 (2007): 97, doi:10.1163/187119007x180494.

⁵⁴⁴ Malamud, Andrés, and Stelios Stavridis. "Parliaments And Parliamentarians As International Actors". In *The Ashgate Research Companion To Non-State Actors*. Ashgate Joins Routledge, 2016.

⁵⁴⁵ Frans Weisglas and Gonnée de Boer, "Parliamentary Diplomacy", *The Hague Journal Of Diplomacy* 2, no. 1 (2007): 97, doi:10.1163/187119007x180494.

⁵⁴⁶ Malamud, Andrés, and Stelios Stavridis. "Parliaments And Parliamentarians As International Actors". In *The Ashgate Research Companion To Non-State Actors*. Ashgate Joins Routledge, 2016.

In this study, the term 'parliamentary diplomacy' cannot reflect the internationalisation attempts led by of Israel's Arab MKs. Their role in international spheres seems to contradict Israel's foreign policy. Not only that they are not taking part in increasing mutual understanding between Israel and other countries,⁵⁴⁷ in fact, their cross-borders activities aim to increase criticism and pressure on the Israeli government to change its 'unfair' policies towards their constituencies as will be further discussed in Chapter 6. Therefore, this study suggests inserting the concept 'personal diplomacy' to describe the exceptional role of opposition members of parliament especially those from minority ethnic groups as significant forces in the process of the internationalisation process, or as part of local transnational advocacy network in the language of the spiral model.

3.6.5 Soft power of International advocacy NGOs (INGOs)

Many scholars acknowledge the increasingly significant actors of the advocacy campaigns led by transnational civil society⁵⁴⁸ that also known as international advocacy NGOs (IANGOs).⁵⁴⁹ IANGOs have risen as critical agents in identifying and articulating universal norms, advocating them and scrutinising their amenability with international agreements.⁵⁵⁰ Notably, IANGOs use various advocacy strategies to influence transnational targets. These include both cooperative and adversarial tactics. While cooperative methods such as education and research could be used to enhance the way policy makers are informed, incentives and persuasion serve as alternatives. Adversarial techniques include litigation and mobilising public pressure through the mechanism of naming and shaming.⁵⁵¹

⁵⁴⁷ Tal Shalev and Yaki Admaker, "Delegations, Only Two Arabs: The MKs Who Are Not Sent To Represent Us Abroad", *Walla*, 2016, <https://news.walla.co.il/item/2987299>.

⁵⁴⁸ Srilatha Batliwala and Lloyd David Brown, *Transnational Civil Society* (Bloomfield (CT): Kumarian, 2006); Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998); Jonathan Fox and L. David Brown, *The Struggle For Accountability* (Cambridge, Mass.: MIT Press, 1998).

⁵⁴⁹ L. David Brown, Alnoor Ebrahim and Srilatha Batliwala, "Governing International Advocacy Ngos", *World Development* 40, no. 6 (2012): 1098-1108, doi:10.1016/j.worlddev.2011.11.006.

⁵⁵⁰ Sanjeev Khagram, James V. Riker and Kathryn Sikkink, *Restructuring World Politics* (Enskede: University of Minnesota Press, 2002); G. John Ikenberry and Ann M. Florini, "The Third Force: The Rise Of Transnational Civil Society", *Foreign Affairs* 80, no. 2 (2001): 169, doi:10.2307/20050089.

⁵⁵¹ L. David Brown, Alnoor Ebrahim and Srilatha Batliwala, "Governing International Advocacy Ngos", *World Development* 40, no. 6 (2012): 1098-1108, doi:10.1016/j.worlddev.2011.11.006.

Main critics of IANGOs refer to their legitimacy as 'unrepresentative' or 'unelected' organisations, suggesting that political legitimacy is the merely source for real effect on policy-making.⁵⁵² In this respect, one might argue that compared with politicians who are interested in promoting their own political agenda; it is expected that INGOs would have more credibility and expertise. Chapter 5 will introduce cases in relation to the international advocacy of Arab NGOs.

3.7.6 State reputation and legitimacy

Some scholars argue that States' reputation is a vital motive for compliance with international law.⁵⁵³ The significance of reputation in the global system derived from the absence of a central mechanism that is capable to monitor the applicability of international agreements, and which can impose sanctions on states that violate international law. As a result, it is believed that without a good reputation, countries will not be considered as potential partners for signing international agreements. Therefore, it would be assumed that these agreements would be misused by states, which has a poor image.⁵⁵⁴

According to the constructivist school of reputation, states seek to preserve their reputation as trustworthy partners in negotiations,⁵⁵⁵ and as global members of international society⁵⁵⁶ (i.e. norm compliant). Opposed to scholarship held by rationalists, the overwhelming volume of constructivist international relations literature⁵⁵⁷ view reputation as an inter-subjective quality that makes it a 'social fact' rather than just a sum of individual beliefs.⁵⁵⁸ This philosophical distinction between the rationalists and the constructivist in relation to the reputation

⁵⁵² Brown, Alnoor Ebrahim and Srilatha Batliwala, "Governing International Advocacy Ngos", 1098-1108.

⁵⁵³ E.g. Andrew T. Guzman, "A Compliance-Based Theory Of International Law", *California Law Review* 90, no. 6 (2002): 1823-1849, doi:10.2307/3481436;

Abram Chayes and Antonia Handler Chayes, "On Compliance", *International Organization* 47, no. 2 (1993): 177.

⁵⁵⁴ Rachel Brewster, "Unpacking The State Reputation", *Harv. Int'l L.J.* 50, no. 2 (2009): 231-233.

⁵⁵⁵ Abram Chayes and Antonia Handler Chayes, "On Compliance", *International Organization* 47, no. 2 (1993): 177.

⁵⁵⁶ Thomas M. Franck, *The Power Of Legitimacy Among Nations* (New York: Oxford University Press, 1990).

⁵⁵⁷ Nancy J. Adler, "Global Companies, Global Society", *Journal Of Management Inquiry* 11, no. 3 (2002): 255-260, doi:10.1177/1056492602113008; Martha Finnemore and Kathryn Sikkink, "Taking Stock: The Constructivist Research Program In International Relations And Comparative Politics", *Annual Review Of Political Science* 4, no. 1 (2001): 391-416, doi:10.1146/annurev.polisci.4.1.391.

⁵⁵⁸ J. C. Sharman, "Rationalist And Constructivist Perspectives On Reputation", *Political Studies* 55, no. 1 (2007): 20-37, doi:10.1111/j.1467-9248.2007.00643.x.

concept⁵⁵⁹ also affects the way in which countries can be sanctioned. In other words, while rationalists stress the issue of sanctions, which have a bad influence on power sources such as trade restrictions, Constructivist emphasise symbolic sanctions that negatively affect the legitimacy of states in the international society such as stopping of diplomatic relations, sports or cultural exchanges.⁵⁶⁰ Furthermore, similarly to neo- institutionalise views; social constructivist scholars⁵⁶¹ underscore the quest for legitimacy as a key factor that guides governments' discourse and actions. In this sense, constructivism is mainly influenced by sociological studies and emphasise the role of social organisations, legitimacy, and norms. Its main point of departure is that states like individuals, look for acknowledgment and legitimacy for their activities. They also seek to meet the normative standards of the world system including human rights norms to avoid global criticism and shaming.

3.8 Conclusion

The traditional notion that human rights are meant to regulate certain relations between individuals and nation-states has changed significantly as the distinction between local and global issues has become blurred.⁵⁶² Accordingly, it is difficult to analyse international politics and behaviours of nation-states without attaching great importance to the transnational activity of NSAs. Constructivists recognise the central role of both international institutions and NSAs such as nongovernmental actors in influencing states' decisions to comply with universal human rights norms. The 'spiral' model explains the interaction between domestic actors, TANs, cross borders actors, repressive states, may be able to influence a target state's behaviour, identity, interests through specific 'socialisation' processes. The principal characteristics of these models are highly helpful in analysing the internationalisation process.

⁵⁵⁹ J. C. Sharman, "Rationalist And Constructivist Perspectives On Reputation", *Political Studies* 55, no. 1 (2007): 20-37, doi:10.1111/j.1467-9248.2007.00643.x.

⁵⁶⁰ Henning Bøkele, Volker Rittberger and Wolfgang Walker, "Constructivist Foreign Policy Theory", in *German Foreign Policy Since Unification: Theories And Case Studies* (Manchester: Manchester University Press, 2001), 112.

⁵⁶¹ E.g. Martha Finnemore, "Norms, Culture, And World Politics: Insights From Sociology's Institutionalism", *International Organization* 50, no. 02 (1996): 325, doi:10.1017/s0020818300028587.

⁵⁶² Eric C. Ip, "Globalization And The Future Of The Law Of The Sovereign State", *International Journal Of Constitutional Law* 8, no. 3 (2010): 636-655, doi:10.1093/icon/moq033.

Therefore, they will be used as analytical tool for the case studies (Chapters 4,5,6).

Both the boomerang effect and the spiral model demonstrate that unlike the greatest IRs' views focusing almost exclusively on states as the sole determinants of sovereignty, NSAs are able to undermine state authority. Yet, much of this existing literature ignores the role of opposition parliamentarians in general and those from ethnic- minorities backgrounds. On this basis, this research aims to fill this void by investigating the role they that parliamentarians can play in the international public spheres to address domestic struggle. It will argue that one should consider a comprehensive insight as to the role of ethnic-minority opposition MPs as transnational actors.

As mentioned earlier, the original spiral model was intended for authoritarian and repressive regimes. However, Risse et.al 2013 have tested it in Western democracies alongside the USA.⁵⁶³ In relation to Israel, Laursen 2000,⁵⁶⁴ Liese 2006,⁵⁶⁵ and Shor 2008⁵⁶⁶ tested the spiral model but it is used with respect to the Israeli- Palestinian conflict as a whole, and did not focus on Arab citizens of Israel. So, this thesis tests for the first time the spiral model in relation to Israel and its Arab minority. Also, it is the first time that the spiral model has been tested to a hybrid regime.

⁵⁶³Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights* (UK: Cambridge University Press, 2013). P.126

⁵⁶⁴ Laursen, "Israel's Supreme Court And International Human Rights Law : The Judgement On 'Moderate Physical Pressure'", *Nordic Journal Of International Law* 69, no. 4 (2000): 413-447, doi:10.1163/15718100020296396.

⁵⁶⁵ Andrea Liese, *Staaten Am Pranger* (Wiesbaden: VS Verlag für Sozialwissenschaft, 2006).

⁵⁶⁶ Eran Shor, "Conflict, Terrorism, And The Socialization Of Human Rights Norms: The Spiral Model Revisited", *Social Problems* 55, no. 1 (2008): 117-138, doi:10.1525/sp.2008.55.1.117.

Section 2: Case studies

Chapter 4: The Use of Memoranda as a Means of Internationalisation (1948-1979)

4.1 Introduction

This chapter and the subsequent two chapters consist of case studies investigating different mechanisms whereby the Arab minority in Israel, represented by their elite, sought to internationalise their fight against discrimination and the denial of their human rights. These case studies are grouped chronologically according to different modalities of internationalisation used. Chapter 4 considers the use of 'public memoranda' sent to international organisations to highlight the relevant issues (1948-1979). Chapter 5 examines cases involving the use of 'legal and civil Advocacy' approaches to compel the Israeli state to change its behaviour (1992-2013). Chapter 6 considers the use of 'personal diplomacy' and interaction with key foreign figures and international organisations (2015-2017).

In 1948 the State of Israel came into existence purportedly as a solution to the stateless position of the Jewish people worldwide. The creation of Israel resulted in resentment among Palestinian people as a significant proportion of the land they occupied was taken over. The new state was surrounded by other Arab nations, which were hostile to it. Additionally, within its borders was a significant Arab minority group, which was generally viewed by the government as an enemy within. Hence, the military regime that lasted between 1948-1966 was seen as a necessary measure of control particularly of the Arab minority group. However, due to the partisan nature of this military control, the Arab minority was bound to feel disadvantaged and discriminated against and elites among them sought out means of internationalising their issues as they had little voice within the state.

Generally speaking, there are two broad categories of norms that appear most frequently in these endeavours to internationalise their grievances. This is because referencing these norms was seen to increase the likelihood of effective transnational campaigns than other kinds of issue. These are: 1) the prohibition of gratuitous bodily harm and 2) the equality of opportunity in domestic law.⁵⁶⁷ These two elements were crucial during the military government period and its aftermath. However, some of the literature related to TANs points out that the success of international campaigns is conditional on whether the targeted state is highly likely to be responsive to pressure. Certain conditions could increase vulnerability, for example, if a state is a signatory to international agreements. Another factor for the success of TANs is whether the targeted state wishes to be internationally accepted as a democratic nation. Most importantly, the effectiveness of TANs could also hinge on the economic outcome for the state as a consequence of its international reputation. In other words, 'vulnerability arises both from the availability of leverage and the target's sensitivity to leverage; if either is missing, a campaign may fail'.⁵⁶⁸

Indeed, it is argued that in the early years of the Israeli state, its international reputation was rather poor. For example, in 1956, Israel had only seven embassies and these were only in the US and in some European countries. Following its reprisals in Gaza and the West Bank, Israel received several censures from the UN, which impacted negatively on its international reputation. This was because of the disproportionate number of Palestinian and other Arab civilians who were killed or injured during these raids. Consequently, a number of countries, including the Soviet Union began to distance themselves from the Jewish state. Another setback to Israel's reputation was its exclusion from the Asian- African Conference, which took place in Bandung, Indonesia, in 1955. That conference called on all nations to end racialism and imperialism in all its forms.⁵⁶⁹

⁵⁶⁷ Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998).

⁵⁶⁸ Keck and Sikkink, *Activists Beyond Borders*, 1998.

⁵⁶⁹ Shira Robinson, *Citizen Strangers* (Stanford (Calif.): Stanford University Press, 2013).

Yet, some authors⁵⁷⁰ have argued that Israel portrayed a positive image internationally from 1948-1967 especially by moving forward with Arab Israeli relationships as happened in the 1977 Israeli- Egyptian peace process. This reflects the tension between the need to be a legitimate state committed to the rule of law, the challenges to Israel especially from actions by the United Nations General Assembly, and the perceived threats to national security which were deemed to legitimise any action that Israel considered necessary, whether compatible with international rules or not.

In any case, the new state of Israel appeared to be impervious to international criticism. Despite being a UN member, it was seen to frequently ignore international law.⁵⁷¹ In fact, the Israeli Prime Minister, Ben-Gurion, in 1955 made reference to 'Um Shmum' which in English means the UN is nothing, and stated that 'it doesn't matter what the gentiles say; what matters is what the Jews do.'⁵⁷² This remark has often been quoted as typical of Israel's attitude to international law at this period.⁵⁷³ Such disregard for international law was evident in the nation's indifference to UN criticism following the 1956 Sinai Campaign, which violated the 1949 Israeli-Egyptian Armistice Agreements. Another example of their contempt of international agreements was seen in Israel's attitude towards the protest of Argentina following the illegal abduction in 1960 of Eichmann, a former Nazi, from their country. A formal complaint by Argentina to UN Security Council had little effect.⁵⁷⁴

Relations between Israel and the UN declined further during the 1970s. Two main events had a negative impact on relationships: first, international recognition of the PLO in 1974 by the invitation of Yasser Arafat to address the General Assembly which was followed by the PLO being granted observer

⁵⁷⁰ E.g. Eytan Gilboa, "Public Diplomacy: The Missing Component In Israel's Foreign Policy", *Israel Affairs* 12, no. 4 (2006): 715-747, doi:10.1080/13533310600890067.

⁵⁷¹ Cohen and Cohen, "Israel And International Humanitarian Law : Betw een The Neo-Realism Of State Security And The "Soft Pow er" Of Legal Acceptability", *Israel Studies* 16, no. 2 (2011): 1, doi:10.2979/israelstudies.16.2.1.

⁵⁷² Chen Kertcher, "From Plow shares To Sw ords? UN Forces On Israel'S Borders In The Second Decade Of The Tw enty-First Century", *Academia.Edu*, 2014, http://www.academia.edu/15195462/From_Plow_shares_to_Swords_UN_Forces_on_Israel_s_Borders_in_the_Second_Decade_of_the_Tw enty-First_Century.

⁵⁷³ Cohen and Cohen, "Israel And International Humanitarian Law : Betw een The Neo-Realism Of State Security And The "Soft Pow er" Of Legal Acceptability", *Israel Studies* 16, no. 2 (2011): 1, doi:10.2979/israelstudies.16.2.1.

⁵⁷⁴ Cohen, "Israel And International Humanitarian Law : Betw een The Neo-Realism Of State Security And The "Soft Pow er" Of Legal Acceptability".

status at the UN General Assembly.⁵⁷⁵ The second was when the General Assembly resolution in 1975 labelled Zionism as a 'form of racism and racial discrimination'.⁵⁷⁶ Both of these events served to fuel Israel's negative attitudes toward the UN, attitudes that did not change over the years. Thus, it might be assumed that efforts to internationalise the grievances of the Arab minority were unlikely to enjoy much success in the 1950s.

The current chapter analyses three different events that triggered the attempts to draw international attention to the mistreatment of the Arab minority in Israel between 1948-1979. The first two events relate to the Military Government period that ruled over Arabs in many if not all spheres of their life from 1949-1966. Particular attention is paid to the Kufr-Qassim massacre in 1956 with some mention of the subsequent suppression of the al-Ard organisation. This provides a framework for considering the effect of the process of internationalisation on the Military Government overall.

The third case study refers to the post Military Government period until 1979, which considers the implications of 'The Galilee [Judaising] Development' Plan'. The cases were chosen as they underscore the ways in which Israel's Arab elite chose to resist the violation of human rights by turning to the existing international platforms. Also, these events are key dates on the calendar of anniversaries for the Arab citizens inside Israel and considered as defining moments that triggered the use of memoranda as a means of internationalisation. All activities will be analysed using the social constructivist spiral model, and empirical data from the interviews conducted with key participants who had an intimate knowledge of the defining moments in these case studies.

In this chapter, I adopt a procedural definition of hybrid regime,⁵⁷⁷ focusing on the first two decades of Israel's existence (1948-66). The Palestinian minority, which remained within the state's borders was controlled by a restrictive military

⁵⁷⁵ Nubar Hovsepian, *Palestinian State Formation* (New castle: Cambridge Scholars, 2008).

⁵⁷⁶ "Is Zionism Racism?", *Bulletin Of Peace Proposals* 7, no. 4 (1976): 382-384, doi:10.1177/096701067600700414.

⁵⁷⁷ While the period 1948-1966 was characterised by military rule there were some democratic aspects in the treatment of the Arab minority such as the right to vote, which gave the military rule a certain aura of democracy. Therefore it is more accurate to describe the government of this period as hybrid.

administration and, in relation to this minority group, Israeli rule cannot be described as democratic.

The classes of actors relevant in the case studies go beyond those referred to in the literature on the boomerang- spiral model.⁵⁷⁸ In particular, in the cases discussed, Arab parliamentary and extra-parliamentary movements were involved in the process of internationalisation of alleged human rights violations in a similar manner as TANs referred to in the literature on the spiral model. For this reason, the analysis of their internalisation efforts within the framework of the boomerang- spiral model seems appropriate.

4.2 The Military Government in 1949- 66

'Repression' (first phase).

Although most Palestinians that remained in 1949 were granted Israeli citizenship, Israel's official policy towards its Arab citizens was based on the belief that they were potentially disloyal and a security threat that required a control mechanism.⁵⁷⁹ Accordingly, the first phase of the spiral model, namely repression, started on 21 October 1948.⁵⁸⁰ It was characterised by the enacting of policies of oppression by the state under a coercive Military Government established in areas populated only by the Arab population.⁵⁸¹ It was based on British emergency regulations that provided a framework for a control apparatus, which greatly restricted almost every aspect of Palestinian life in Israel. For example, restriction of movement impeded the Arab citizens freedom to travel to nearby towns to visit family or to go to work. Additionally, the lands of Arab citizens were expropriated and fell into state ownership.⁵⁸² Travel permits, curfews, administrative detentions, and expulsions were part of life.

⁵⁷⁸ Thomas Riss, Stephen C. Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (Cambridge: Cambridge University Press, 1999), 17-18.

⁵⁷⁹ Ian Lustick, *Arabs In The Jewish State: Israel's Control Of A National Minority* (Austin, Tex: Univ. of Texas Press, 1980).

⁵⁸⁰ Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011), 49.

⁵⁸¹ Lustick, *Arabs In The Jewish State: Israel's Control Of A National Minority*.

⁵⁸² Sabri Jiryis, "The Land Question In Israel", *MERIP Reports*, no. 47 (1976): 5, doi:10.2307/3011382.

As a result of this harsh system of control and oppression, Arab citizens petitioned the Israeli High Court several times but their appeals were dismissed on grounds of 'security reasons'.⁵⁸³ Thus, the Israeli Supreme Court allowed Israel to enjoy two worlds: preserving a military administration on the one hand, while avoiding basic standards expected from a democratic state on the other.

4.2.1 The Kufr-Qassim Massacre in (1956)

The Kufr- Qassim Arab village is located in territory that was annexed by Israel after signing the 1949 armistice agreement between Israel and Jordan, and like many Arab villages; it was subjected strict military rule until 1966.⁵⁸⁴

The Kufr-Qassim Massacre in (1956) was the most prominent episode that occurred during the Military Administration and demonstrates repression in line with phase one of the spiral model. It arose on the eve of Britain, France and Israel's offensive on Egypt's Sinai Peninsula on October 29, 1956. The Israeli authorities imposed a sudden curfew on a number of Arab villages in the Triangle, an area consisting of a concentration of Arab towns and villages located in central Israel. A curfew between 5 P.M. and 6 A.M had been imposed but on the 29 of October 1956, a group of Arab citizens were returning home from their fields after the curfew had begun. In the course of two hours forty-eight Palestinian Arab citizens were shot and killed by Israeli Border Guards, in what became known as the Kufr-Qassim massacre.⁵⁸⁵ The victims were civilians who had been unaware of the suddenly imposed curfew restrictions and they include nineteen men, six women, ten teenage boys (ages fourteen to seventeen), six girls (ages twelve to fifteen), and seven young boys (ages eight to thirteen).⁵⁸⁶ Some reports give the total killed as fifty-one.⁵⁸⁷ All but four of whom were residents of Kufr-Qassim. This event acquired great symbolic

⁵⁸³ Arnon Yehuda Degani, "The Decline And Fall Of The Israeli Military Government, 1948–1966: A Case Of Settler-Colonial Consolidation?", *Settler Colonial Studies* 5, no. 1 (2014): 84-99, doi:10.1080/2201473x.2014.905236.

⁵⁸⁴ Sorek, Tamir. "Remembering Kafr Qasim". *Stanford University Press Blog*, 2015. <http://stanfordpress.typepad.com/blog/2015/10/remembering-kafr-qasim-.html>.

⁵⁸⁵ Shira Robinson, "Local Struggle, National Struggle: Palestinian Responses To The Kafr Qasim Massacre And Its Aftermath, 1956-66", *International Journal Of Middle East Studies* 35, no. 3 (2003): 393, doi:10.1017/s0020743803000163.

⁵⁸⁶ Shira Robinson, *Citizen Strangers* (Stanford (Calif.): Stanford University Press, 2013); Baruch Kimmerling and Joel S. Migdal, *The Palestinian People: A History* (Cambridge, Harvard University Press, 2009).

⁵⁸⁷ Adam Raz, *Kafr Qasem Massacre: Political Biography* (Jerusalem: Carmel, 2018).

significance in the psyche of the Arab minority in Israel as exemplifying the brutal nature of the repression and the denial of human rights practiced during the military regime.⁵⁸⁸ Additionally, the commemoration of the massacre has become the most significant date on the Arab's political calendar in Israel over the last two decades.⁵⁸⁹

Applying the spiral model to analyse atrocities carried out by authoritarian regimes, the systematic violation of human rights should be followed by the initial activation of the transnational network to pressurise the oppressive government (attempts to internationalise the case), and only then the process followed by the denial phase in the spiral model.⁵⁹⁰ Yet, in a situation where the oppressive regime takes the form of a hybrid government, as in this case, the dynamic seems to a slightly different.

At the beginning the government made enormous efforts to hide the evidence of the massacre from the Jewish public and the international press.⁵⁹¹ Apparently, this tactic was successful for about two weeks as on November 11, 1956, Ben-Gurion released for the first time a statement about the massacre and described it as disgraceful and unfortunate.⁵⁹² In the statement Ben-Gurion also claimed that innocent Arab citizens were killed by mistake as a result of a curfew that initially was imposed to save their lives from extraterritorial raids.⁵⁹³ The government statement read as follows:

*'Increased Fidayi [volunteer] action on 29 October 1956 led to the imposition of military rule on the villages adjacent to Jordan in order to protect them'*⁵⁹⁴

Clearly, it was not a 'literal denial' ('nothing is happening'), which is less common in democracies where the media have less restricted access to

⁵⁸⁸ Nur Masalha, *Catastrophe Remembered* (New York: Zed Books Ltd, n.d.).

⁵⁸⁹ Tamir Sorek, "Remembering Kafr Qasim", *Stanford University Press Blog*, 2015, <http://stanfordpress.typepad.com/blog/2015/10/remembering-kafr-qasim-.html>.

⁵⁹⁰ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights: From Commitment To Compliance* (New York: Cambridge University Press, 2013).

⁵⁹¹ Baruch Kimmerling and Joel Migdal, *The Palestinian People* (Cambridge, MA: Harvard University Press, 2003), 196.

⁵⁹² Chaya Shacham, "Betw een Judgement And Moral Introspection: Nathan Alterman On The Kefar-Kasem Massacre", *Bar-Ilan Law Studies*, no. 12 (2002): 402.[in Hebrew]

⁵⁹³ Meir Vilner, "60 Years Since The Kafr Kassem Massacre", *Zo Haderekch*, 2016, 5. [in Hebrew]

⁵⁹⁴ Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011), 57.

information and can report on scenes of violations in a manner that usually makes literal denial ineffective.⁵⁹⁵ Rather, the Israeli military government provided a 'utilitarian justification' ('we should do it to prevent the vulnerability of more people'). Following the 'utilitarian justification', the Israeli government moved to 'tactical concession'. It did so by establishing an inquiry commission that focused on blaming individuals rather than government policy. The commission concluded that the commander of the battalion (Melinki) and number of his subordinates must be judged⁵⁹⁶ for applying 'illegal' command, and recommended to compensate the each family of the victims with 1,000 Israeli pounds.⁵⁹⁷ Both the initial justification and tactical concession, shows the government's intention of pre-empting possible reactions and to divert any attention from the atrocity. It is also believed that the publication of the first official Israeli statement seems to be much more a pre-emptive attempt to provide protection to the committers of the massacre, rather than less acknowledgment of the facts.⁵⁹⁸ In any case, this meant that attempts by Ben-Gurion' government to hide the atrocity were not successful.

Breaking the silence: Attempted internationalisation [network activation in the language of the spiral model]

This process is characterised by the production and diffusion of information about human rights abuse in the norm violating state with TANs.⁵⁹⁹ In this study, I treat this act of activation of a network as an attempt to internationalise as it shares the same aim of the internationalisation process, and for the sake of clarity, I characterise it as an independent phase. Commonly, it belongs to the after the first phase (repression) as a vital condition for the transition to the second phase (denial). However, in the case study of the Kufr- Qassim massacre, it emerged after the third phase (tactical concession). This might be

⁵⁹⁵ Stanley Cohen, *States Of Denial: Knowing About Atrocities And Suffering* (Cambridge: Polity Press, 2001).

⁵⁹⁶ Chaya Shacham, "Betw een Judgement And Moral Introspection: Nathan Alterman On The Kefar-Kasem Massacre", *Bar-Ilan Law Studies*, no. 12 (2002): 402; Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011).

⁵⁹⁷ Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011).

⁵⁹⁸ Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011).

⁵⁹⁹ Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998).

explaining by the fact that the Israeli regime was hybrid in nature and not democratic or authoritarian per se as the spiral model suggests. These efforts are now discussed although they normally precede both the 'denial' and 'tactical concession' phases and brought to attention following activation of network of domestic political opposition in the classical spiral model analysis.

Both the academic literature⁶⁰⁰ and contemporary Palestinian activists and politicians who are identified with the Israeli Communist Party, unanimously acknowledge the prominent role and the leadership of the Palestinian member of the Knesset (MKs), Tawfiq Tubi in revealing the 1956 massacre. MK Tubi was an outstanding Arab leader of the Communist Party originated mostly from the Greek Orthodox Christian community.⁶⁰¹ MK Aydah Toma– Suliman number five in the Joint List on behalf the Communist Party refer to the 1950s as a starting point for the involvement of Arab politicians in international activities, and draw attention to the role of MK Tubi in appealing the international community to ameliorate the discrimination against the Arab minority in Israel:

*'The Communist party from its beginning had worked on this issue although it did not clearly call it internationalization. The issue of the Arab citizens of Israel and the injustice they have faced has been raised on various levels; either through participation in international platforms such as special committees of the UN, or by meetings with international forums such as The Peace Council and the World Social Forum. The Kufr- Qassim massacre in 1956 triggered the Communist Arab politician Tawfik Tubi to send a letter to the UN about the event. It means that we were well aware of the use of the internationalisation as a strategy even at that time'*⁶⁰²

Similarly, Jaa'far Farah, CEO of Mossawa, the Advocacy Centre for Arabs in Israel, who views the process of 'internationalisation' as 'international advocacy' argues that:

'There is a feeling that in light of the absence of a national archive, your generation is thinking that the internationalisation phenomenon has started today. It didn't start today, if you look at the 1950s, there were

⁶⁰⁰ E.g. Tamir Sorek, *Palestinian Commemoration In Israel: Calendars, Monuments, And Martyrs* (Stanford, California: Stanford University Press, 2015); Shira Robinson, "Commemoration Under Fire: Palestinian Responses To The 1956 Kafr Qasim Massacre", in *Memory And Violence In The Middle East And North Africa* (Bloomington: Indiana University Press, 2006), 103-132.

⁶⁰¹ Amal Jamal, "Palestinian Citizens Of Israel", in *The Israeli-Palestinian Conflict* (London and New York: Routledge, 2013).

⁶⁰² Touma-Sliman, Aida, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Acre, March 26, 2016.

*forces that called for international advocacy and for raising the issues of the Palestinian society in Israel in international arenas. Take for example the Kufr- Qassim massacre, where both MK Tubi and MK Velner went to Kufr- Qassim village, and collected testimonies from people although nobody was allowed to enter the village. Eventually, Tubi published a memorandum, which was distributed internationally through the Soviet Union and the communist countries in Eastern Europe.*⁶⁰³

It could be argued that having recourse to the Soviet Union was a questionable strategy as it was itself an oppressive regime having in the same year (1956) sent in its tanks to Budapest to crush insurgence there. However, Tubi was a member of a communist party and would therefore for ideological reasons looked to the Soviet Union rather than the US and would certainly have not considered either Britain or France as potential advocates given their recent interventions in the Suez War. Given this international political picture, the Soviet Union was more likely to espouse the Arab Israeli cause than the Western countries. This very point was made by one of the interviewees.

MK Odeh, the Head of the Joint (Arab) List in the Israeli parliament,⁶⁰⁴ and the leader the Israeli Communist Party (Hadash) explains the relations of the Arab communists in Israel with Eastern Europe:

'At that time the world was sharply divided between the Eastern and Western camp, and here I'd like to mention a very important point that in my point of view affected our international behaviour; we had hostility towards the West as it was Israel's ally and because it was subjected to the Cold War, therefore, Israel's Arabs had relations with Eastern Europe and especially the Soviet Union. In May 1958 Pravda⁶⁰⁵ wrote about the Kufr- Qassim massacre on its first page, thanks to Tawik Zayad who made it happen. The interest of the Eastern world in relation to the issue of the Arabs within Israel has existed in one way or another, but there is no doubt that there was a severe weakness in the relations with the Western world and America due to the ideological enmity towards them'.⁶⁰⁶ [Communist Tawik Zayad was the mayor of Nazareth city]

⁶⁰³ Jafar, Farah, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Haifa, March 15, 2016.

⁶⁰⁴ Aarb parliamentarian party that has 13 seats. It is alliance of four Arab-dominated parties in Israel, and the third-largest bloc in the current Knesset (Israeli parliament).

⁶⁰⁵ a Russian broadsheet newspaper, formerly the official newspaper of the Communist Party of the Soviet Union and one of the most influential papers in the country.

⁶⁰⁶ Ayman, Odeh "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. April 1, 2016.

The specific claims made by MK Odeh in his quote about the Cold War are verified by the rich story told by Maha Nassar (2014) about the role of the Cold War in Palestinian activism.⁶⁰⁷ According to Nassar, The Soviet Union's ideology of social justice and liberation by working-class rebellion resonated in many colonised countries. In relation to the Arab minority to Israel, Al-Ittihad (the union) Communist newspaper played a central role in spreading this ideology through focusing on global anticolonial activities that showed Western powers in a negative light.

Following Ben Gurion's efforts to cover up the massacre, and similar to the role of TANs, MK Tubi, did not give up and attempted to document the Kufr- Qassim massacre and to bring it to the attention of the world, in other words, to internationalise it. Both MKs Tubi alongside the Israeli Jewish MK Meir Vilner, who was also a member of the bi-national Arab–Jewish Israeli Communist Party (MAQI) managed to visit Kufr-Qassim village to investigate the matter despite the police barriers that prevented any access to the entrances. They succeeded in collecting evidence from the traumatised and grieving people and later tried to publicise their testimonies in the local press.⁶⁰⁸

On November 23, 1956 Tubi published a memo of the incident in three languages; Hebrew, Arabic,⁶⁰⁹ and English, and disseminated it to hundreds of renowned public figures in Israel, as well as to the Soviet Union and East European countries where the Israeli communist party had strong links.⁶¹⁰ This account is well known in Arabic as 'Mothakart Tubi'⁶¹¹ (Tubi's memorandum). Tubi blamed the government for producing the atmosphere, which encouraged the border police to perpetrate the massacre. His language was a clear expression of the sense of injustice and compared the 1956 atrocity with that of the 1942 Czech village Lidice that was committed by the Nazis.⁶¹² The

⁶⁰⁷ Maha Nassar, "'My Struggle Embraces Every Struggle': Palestinians In Israel And Solidarity With Afro-Asian Liberation Movements", *The Arab Studies Journal* 22, no. 1 (2014): 83.

⁶⁰⁸ Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011).

⁶⁰⁹ "Taw fik Tubi's Memorandum", *Baqoon.Com*, 1956, http://www.baqoon.com/qasim/qasim/new_page_25.htm.

⁶¹⁰ Joel Beinin, *Was The Red Flag Flying There? Marxist Politics And The Arab-Israeli Conflict In Egypt And Israel, 1948–1965* (London: Tauris, 1990).

⁶¹¹ "Taw fik Tubi's Memorandum", *Baqoon.Com*, 1956, http://www.baqoon.com/qasim/qasim/new_page_25.htm. [in Arabic]

⁶¹² Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011).

memorandum included description of the massacre and all the names of the dead and wounded citizens:⁶¹³

'The worker Samir Bder from Kufr- Qassim said: I've arrived the village's entrance near the school along with three other workers on our bicycles at 16:55 (before the curfew) twelve border police men along with officer stopped us. The workers said 'shalom to the officer' who asked them: 'are you happy'? they answered: 'yes' and then the police left their car and asked the workers to stop, and the officer gave his order 'crop them'...'614 [translated from Tubi's letter in Arabic]

Tubi's memorandum also referred to the committee's recommendations to compensate the victims' families with 1,000 Israeli pounds each as a 'whitewash and cover-up exercise'. Tubi described Israel's policy towards its Arab citizens as a 'national persecution', referred to the military government and called for a public trial and accountability of the officers who gave the order to shot:

'...I see my humanitarian duty, my duty as an elected from the people, duty towards the people of Israel, and towards the inhabitants of Kufr-Qassim who asked to make their shout heard in the public opinion, to send this letter asking every descent person with a living conscience to work against this crime of murder and to raise his voice against the government's policy towards the Arab citizens in the country, the policy of national persecution and military government, policy that develops a feeling of disrespect of the Arab citizens and that everything is allowed against themI hope that descent people, equality advocates, the brothers of people and peace will not allow the success of the conspiracy of blurring the crime. So they have to struggle with all their power to expose all the responsible officials and to bring them to a public trial'615 [translated from Tubi's letter in Arabic]

Although the boomerang effect and the spiral model as developed in the literature do not explicitly incorporate the role of domestic parliamentarians, this study uses an adaptation of the model as it provides a good tool to analyse the internationalisation behaviour of minority politicians in Israel. There is no inherent reason why the effects of internationalisation should only be observable if carried out by TANs. Accordingly, MK Tubi's act has been more recently described in the literature of the transnational advocacy networks

⁶¹³ Joel Beinin, *Was The Red Flag Flying There? Marxist Politics And The Arab-Israeli Conflict In Egypt And Israel, 1948-1965* (London: Tauris, 1990).

⁶¹⁴ "Taw fik Tubi's Memorandum", *Baqoon.Com*, 1956, http://www.baqoon.com/qasim/qasim/new_page_25.htm. [in Arabic]

⁶¹⁵ "Taw fik Tubi's Memorandum", *Baqoon.Com*, 1956, http://www.baqoon.com/qasim/qasim/new_page_25.htm. [in Arabic]

(TANs) as 'information politics tactics'.⁶¹⁶ This tactic relies on the fast and efficient dissemination of knowledge of atrocities to targeted agencies, which are perceived to raise the matters to the more influential actors in the international arena who can ensure that it will have much greater impact with the intention of exposing violation of human rights by means of credible testimonies by survivors. These personal testimonies from survivors whose lives been affected by the events are most important in having an influence internationally. Here, the influences of mass media are important alternative channels for ensuring that these stories reach a wide international audience. But there is another dimension to the actions of Tubi. By disseminating the memorandum to the Soviet Union and Eastern European countries, Tubi can be viewed as engaging in 'leverage politics'. 'Leverage politics' is a term used to describe a tactic of bringing about change by mobilising the support of other more influential players by persuading them or by bringing pressurise to bear on them.⁶¹⁷

To be successful as a strategy depends on the ability of the transitional actor in correctly assessing points of leverage. There are two different types of leverage points namely material and moral. Material leverage implies some form of advantage for the advocate whether this is financial or political. Moral leverage has sometimes been referred to as the 'mobilisation of shame' because the action of the target advocate can portray a favourable image as being a custodian of human rights.⁶¹⁸ The advantage here is in terms of the image internationally of the helping country or agency.⁶¹⁹ In this situation it was unlikely that MK Tubi could have exerted any form of material leverage on the Soviet Union as materially the communist regime would have little to gain in a material sense except perhaps some longer term advantage with other Arab states favourable to the Arab Israeli cause. More likely Tubi's actions did have powerful moral leverage as it presented an ideological advantage for the Soviet Union to castigate the perpetrators of the Kufr-Qassim incident and their

⁶¹⁶ Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks In International And Regional Politics", *International Social Science Journal* 51, no. 159 (1999): 89-101, doi:10.1111/1468-2451.00179. p 89-101.

⁶¹⁷ Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks In International And Regional Politics", *International Social Science Journal* 51, no. 159 (1999): 89-101, doi:10.1111/1468-2451.00179.

⁶¹⁸ Keck and Sikkink, "Transnational Advocacy Networks In International And Regional Politics", 89-101.

⁶¹⁹ Katharina Crepaz and Ludger Helms, *The Impact Of Europeanization On Minority Communities* (Springer, 2016).

international allies for their capitalist exploitation. Accordingly, the communist MK Tubi succeeded in drawing attention to the massacre as a flagrant violation of human rights, and to the plight of his community in the hopes that it would find relief. Both the Soviet delegate and Radio Moscow called for an investigation of the crime and that the perpetrators should be called to account.

In this period (1950s-1960s) TANs were not yet highly developed. The conceptual framework of this historical period predated the time period that Sikkink/Risse Kappen 'spiral' model was developed, that is, towards the end of 1990s. Clearly, the 1956 massacre occurs before basic human rights resolutions and treaties such as the ICCPR and ICERD that were signed in the early 1960s, entered into force. Also, at that time states did not implement yet bilateral human rights policies, international institutions did not have much power, and human rights NGOs rarely existed.⁶²⁰ However, there were the international media, churches, trade union and parliamentarians who had the capacity to impact on international discourses and who are elements of what later came to be characterised as TANs. So, even in the absence of TANs there were efforts to internationalise the violation of human rights and minority rights and the spiral model is useful to analyse these efforts.

Tubi's memo provided evidence of the massacre of innocent Arab citizens, an act in which Ben- Gurion was deemed to be complicit, and became a focal issue in domestic and international discourse.⁶²¹ The Soviet Union and its satellites in Eastern Europe were not alone in raising the plight of the Israeli Arabs. Delegates from eleven different Arab nations complained to the President of the General Assembly of the United Nations in December 1956 about the treatment of the Arabs citizens of Israel in the overall context of the treatment of the Arabs in the Gaza Strip, and the Sinai Peninsula. They complained about the 'inhuman treatment of the Arabs who live in Israel, the Gaza Strip, and the Sinai

⁶²⁰ Thomas Riss, Stephen C. Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (Cambridge: Cambridge University Press, 1999).

⁶²¹ Don Peretz, *Israel And The Palestine Arabs* (Washington: Middle East Institute, 1958).

Peninsula. Hundreds of Arab men, women, and children have been ruthlessly murdered in cold blood.’⁶²²

The key action leading to the internationalisation of the Kufr- Qassim atrocity was Tubi’s memo to the Soviet Union, a world power with significant sway in the UN. In terms of leverage, the Soviet Union represented the best chance for Tubi to have the Kufr- Qassim incident internationalised. Neither the United States nor Britain and France were likely to raise the incident with the same insistence the Soviet Union would have done as their international policies involved supporting Israel and in minimising reports of violations of human rights. Thus, exerting moral leverage by the Soviet Union and with support of other Arab nations was the ultimate strategy for internationalising the Kufr- Qassim incident. In the language of constructivists, this attempt would seem as an attempt to shame Israel in the international arena. Yet, it would be more reasonable to look at Tubi’s attempt of internationalisation as a modest attempt to help the Arab citizens to survive.

Denial (second phase).

According the literature of TAN, Tubi’s links with the Soviet Union expected to be followed by human rights talk between foreign States and the State of Israel. The literature however fails to provide such information. Yet authors acknowledge the fact that Tubi’s memorandum has attracted national and international attention to 1956 massacre, which pressurised the Israeli government to investigate the matter.⁶²³ Thus, following, the local and international attention, which was paid to the Kufr- Qassim incident, on December 12, 1956, the government, released a statement similar to the one that was released a few days after the massacre (initial denial), which again took the form of a ‘utilitarian justification’.⁶²⁴ While considerable section of the Jewish public was outraged that the authorities would prosecute rank-and-file

⁶²² Tamir Sorek, *Palestinian Commemoration In Israel: Calendars, Monuments, And Martyrs* (Stanford, California: Stanford University Press, 2015), 44.

⁶²³ Nida Shoughry, *“Israeli-Arab” Political Mobilization: Between Acquiescence, Participation, And Resistance* (New York: Palgrave Macmillan, 2012), 14; Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011).

⁶²⁴ Sarah Ozack-Lazar, *The Arab Citizens In Israel: The First Decade* (Raanana: The Open University, 2006). [in Hebrew]

troops for merely following their orders, others, however, viewed the eve of the 1956 as a gruesome negation of their humanist self- image and supported the trial of the accused as an affirmation of Israeli democracy.⁶²⁵ This was the next move of the Israeli government.

Tactical concession (third phase).

According to Keck spiral model, 'tactical concessions' occurs when the governments stop denying the legitimacy of human rights, and specific changes are made in order to pacify international criticism. The government then engages in public debates with national and international critics about accusations. An important aspect of this stage is that it can create room for domestic opposition as these concessions then permit criticism when the state does not keep to its commitments.⁶²⁶ At this level, it is important to notice there were no attempts from the Israeli government to deny the validity of human rights. On the contrary, protecting lives of civilians was a significant theme of its official statements. At this level, the Israeli government moved to tactical concessions to appease national and international criticisms. This time 'tactical concession' took the form of Sulha (Bedouin reconciliation ceremonial), and military trial.⁶²⁷

The first move of the Israeli tactical concession took a form of a Sulha (Bedouin reconciliation ceremony) that held between representatives of the Israeli state and the victims' families. Essentially, the term Sulha reflects the Bedouin tradition of reaching an agreement over a dispute between two tribes over salt and bread. The Sulha took place in the same date of the memorial of the massacre's first anniversary in October 1957.⁶²⁸ The fact that the Sulha was proposed in parallel to the on-going military trial of the eleven border guards alleged of committing the crime, raised questions about the government's intention to cancel the trial. There were attempts to bring the accused guards to the ceremony but the villagers successfully opposed it. This move strengthened

⁶²⁵ Shira Robinson, *Citizen Strangers* (Stanford (Calif.): Stanford University Press, 2013).

⁶²⁶ Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (Cambridge: Cambridge University Press, 1999), 25.

⁶²⁷ Shira Robinson, *Citizen Strangers* (Stanford (Calif.): Stanford University Press, 2013).

⁶²⁸ Robinson, *Citizen Strangers* (Stanford (Calif.).

the assumption that the government was planning to prepare the ground to ease the judges of the soldiers.⁶²⁹

The second tactical concession move occurred on October 16, 1958, (few months after the Sulha) through a military trial in which the eleven border police officers in charge were called to account.⁶³⁰ However the penalties imposed were purely token in nature that sought to protect military and political elites. In fact, many of those charged were freed after less than a year later following a presidential amnesty⁶³¹ and received promotions within the armed forces.⁶³² For example, the Brigadier Yshishkar Shadmi, the battalion commander who was responsible for changing the curfew's hours, was initially accused of murder but later he was charged only with 'technical error' for extending the hours of curfew without any authority to do so. Eventually, Shadmi was fined one Israeli grush, which is equal to penny.⁶³³ Such an insignificant penalty that it became a humorous metaphor in the Israeli discourse. Significantly, he was not charged with murder, but with a rather trivial bureaucratic offence, and later became a government official with responsibility for the relationships with the Palestinian minority.⁶³⁴

The fact that the literature does not provide any clear evidence of any direct engagement in human rights talk between MK Tubi or even the Communist Party and other external transnational networks combined with the lack of official record of any direct response to Tubi's letter, might raise questions about the perceived success of the internationalisation process. Yet, interviewees and scholars clearly supported the argument that the Israeli state moved to another phase of 'tactical concession' to pacify international criticism that emerged following this memorandum. For example, according to the Israeli Historian Raz (2018), Ben-Gurion's response to the atrocity of Kufr- Qassim reflected the

⁶²⁹ Robinson, *Citizen Strangers* (Stanford (Calif.): Stanford University Press, 2013).

⁶³⁰ Sabri Jiryis, *The Arabs In Israel* (Beirut: Lebanon, 1969).

⁶³¹ Nida Shoughry, *"Israeli-Arab" Political Mobilization: Between Acquiescence, Participation, And Resistance* (New York: Palgrave Macmillan, 2012).

⁶³² Baruch Kimmerling and Joel Migdal, *The Palestinian People* (Cambridge, MA: Harvard University Press, 2003), 195-196.

⁶³³ Nida Shoughry, *"Israeli-Arab" Political Mobilization: Between Acquiescence, Participation, And Resistance* (New York: Palgrave Macmillan, 2012).

⁶³⁴ Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011).

Israeli leadership concerns about the international public opinion.⁶³⁵ Another strong evidence emerged in October 2018 in the Israeli Journal Haaretz that revealed Shadmi's confession of the real intention of the 1958 trial. One year before his death, Shadmi openly stated in an interview with him that this trial intended to mislead the international community with regard to Israel's alleged pursuit of justice, and that he was well rewarded for cooperating with the staged trial:

*'They explained to me that they needed to put me on trial, because if I had tried in my own country and convicted, even if I was fined only a penny, I wouldn't go to The Hague.... If they didn't prosecute me... I would be tried at The Hague and that is something that neither I nor the country were interested in...'*⁶³⁶

Shadmi's confession does not leave any room for hesitation about the impact of international norms on Israel's behaviour and supports the argument about the occurrence of the internationalisation. The fact that much of the documentation of the massacre still classified in the IDF archive⁶³⁷ might be the reason for the lack of more evidences about international criticisms and intervention. It is also believed that the apparently staging trial aimed also to conceal a secret plan called 'Operation Mole' (*Hafarperet in Hebrew*), to expel to Jordan the Arab citizens of villages located in the so-called Triangle area in southeast of Haifa.⁶³⁸

The case study of Kufr- Qassim demonstrates that the spiral model is helpful in understanding that both internal and the external pressure and criticism had a major role in pushing the state to respond with tactical concessions (third stage). It did not lead to compliance with human rights legislation. It consisted merely of some legal and political manoeuvres, which protected the alleged perpetrators from a harsh punishment. More importantly, the state refused to accept that it was its policy that gave rise to these crimes and instead meted out

⁶³⁵ Adam Raz, *Kafr Qasem Massacre: Political Biography* (Jerusalem: Carmel, 2018).

⁶³⁶ Ofer Aderet, "General's Final Confession Links 1956 Massacre To Israel's Secret Plan To Expel Arabs", *Haaretz.Com*, 2018, https://www.haaretz.com/israel-news/.premium.MAGAZINE-general-s-confession-links-massacre-to-israel-s-secret-plan-to-expel-arabs-1.6550421?utm_campaign=hda-weekend-new&utm_medium=email&utm_source=smartfocus&utm_content=https%3A%2F%2Fwww.haaretz.com%2Fisrael-news%2F.premium.MAGAZINE-general-s-confession-links-massacre-to-israel-s-secret-plan-to-expel-arabs-1.6550421.

⁶³⁷ Adam Raz, *Kafr Qasem Massacre: Political Biography* (Jerusalem: Carmel, 2018).

⁶³⁸ Adam Raz, *Kafr Qasem Massacre: Political Biography* (Jerusalem: Carmel, 2018).

minor punishment to officials who became the scapegoats for events that were the consequence of state policy.

Today, sixty-two years later, the memory of the Kufr- Qassim massacre still powerfully exists on the national agenda of the Arab citizens.⁶³⁹ In recent years some gestures on behalf the state has been made by way of acknowledging the tragic events with apologies but without a forthright admission of responsibility. In unprecedented conciliatory move, Shimon Peres, Former Israeli President apologised for the massacre as he visited the village during the Muslims festival of Eid al- Adha in December 2007.⁶⁴⁰ Another apology expressed in 2014 by Reuven Rivlin, who also was in office as a President of Israel, when he took part in the annual memorial ceremony of the massacre, and described the massacre s a 'terrible crime'.⁶⁴¹ Yet, the apologies of Peres in 2007, and of Rivlin in 2014 were not expressed in any official State papers, and attempts to achieve a formal acknowledgment for the state's responsibility for the massacre were failed.⁶⁴² These results seem to move the spiral model towards 'tactical concession plus'. Although the term 'tactical concession plus' is not strictly a terminology in the spiral model literature, the term seemed to be most appropriate to express the results of internationalisation on the spiral model in relation to the Kufr-Qassim case study and allow explanation for the state's actions that move beyond cosmetic change.

Accordingly, still awaiting some semblance of 'prescriptive status' on July 15, 2018 residents of Arab village demanded that Israel open the archives on 1956 Massacre.⁶⁴³ It remains to be seen whether the behaviour of the Israeli state, in response to this renewed challenge, will finally move towards the fourth and the fifth stages of 'prescriptive status', and 'rule consistent behaviour'.

⁶³⁹ Shira Robinson, "Local Struggle, National Struggle: Palestinian Responses To The Kafr Qasim Massacre And Its Aftermath, 1956-66", *International Journal Of Middle East Studies* 35, no. 3 (2003): 393-416, doi:10.1017/s0020743803000163.

⁶⁴⁰ Yoav Stern, "President Peres Apologizes For Kafr Qasem Massacre Of 1956", *Haaretz.Com*, 2007, <https://www.haaretz.com/1.4969231>.

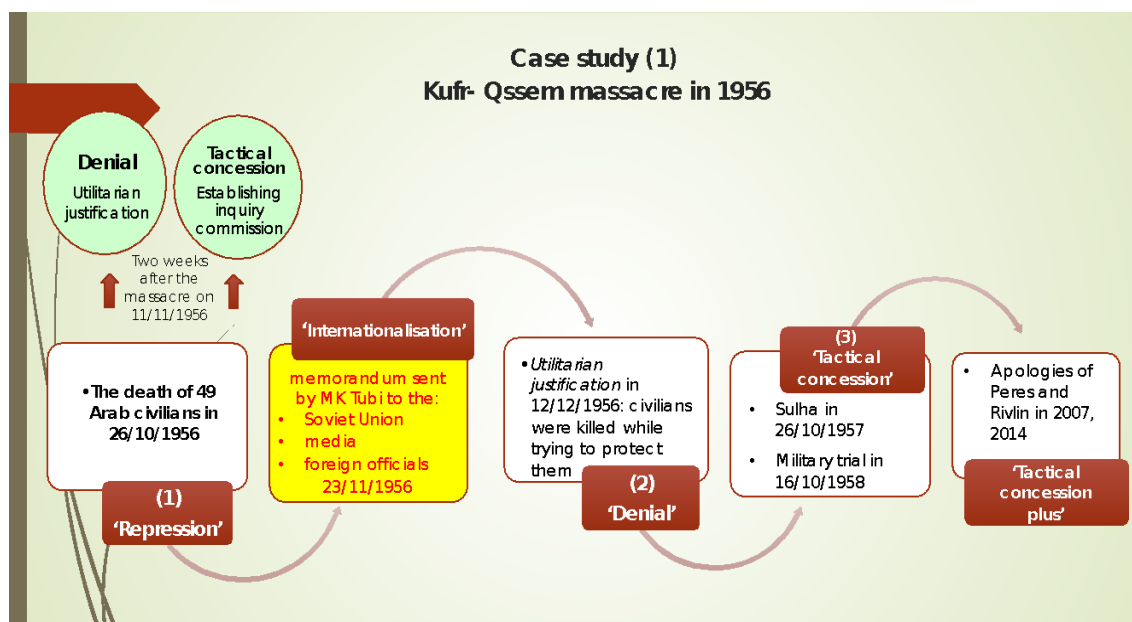
⁶⁴¹ "Rivlin Condemns 'Terrible Crime' Of Kfar Kassem Massacre", *Timesofisrael.Com*, 2014, <https://www.timesofisrael.com/rivlin-to-address-ceremony-marking-kfar-kassem-massacre/>; "President Rivlin Addresses Kafr Qasim Memorial Ceremony", *Mfa.Gov.II*, 2014, <http://mfa.gov.il/MFA/PressRoom/2014/Pages/President-Rivlin-addresses-Kafr-Qasim-memorial-ceremony-26-Oct-2014.aspx>.

⁶⁴² "Rejected In Tromit: Law Commemorating The Victims Of The Kafr Qasem Massacre", *M.Knesset.Gov.II*, 2016, <https://m.knesset.gov.il/news/pressreleases/pages/press21116-0q3.aspx>.

⁶⁴³ Ofer Aderet, "Residents Of Arab Village Demand Israel Open Archives On 1956 Massacre", *Haaretz.Com*, 2018, <https://www.haaretz.com/israel-news/.premium-residents-of-arab-village-demand-israel-open-archives-on-1956-massacre-1.6272443>.

It should be noted that while MK Tubi was the first Arab political figure who attempted to draw international attention to the mistreatment of the Arab minority in Israel in regard to the Kufr- Qassim massacre in 1956, another historical event where another Arab intellectuals pleaded for outside help. To take few examples: in May 1953 Elias Kusa, an independent Christian Attorney wrote to the US Charges D’Affaires to express his concern that Dulles would not meet with a delegation of Arab citizens during his visit. In 1955 the New York-based Arab Information Office circulated a report to diplomats about the conditions of military rule in Israel.⁶⁴⁴

Figure 2: The Kufr-Qassim Massacre in 1956



It could be argued however that in some respects a fourth stage and the fifth stage of the spiral model has been reached if one considers the removal of the martial rule as definite end to conditions which could give rise to events like Kufr- Qassim. In this sense, the massacre was a catalyst for many Palestinians to protest the existence of military rule. In 1957 there was a protest against military government and the discrimination against Arab citizens. This public campaign arose in response to the memory of Kufr- Qassim whereby renewed

⁶⁴⁴ Maha Nassar, *Brothers Apart: Palestinian Citizens Of Israel And The Arab World* (Stanford, Calif: Stanford University Press, 2017).

and intensified calls were made for a more egalitarian society. One year later, in the summer of 1958, hundreds of Jewish artists, academics, and even settlement leaders appealed the government to end the 'ten years of discrimination' and the clear repression of the military government.⁶⁴⁵ In early 1960s, Ben-Gurion's government confronted with more, conferences, demonstrations, petitions and establishment of Jewish-Arab organisations against the military administration asking it to liberalise its policies towards the Palestinian citizens.⁶⁴⁶ It should be noticed that apart from the Communist Party and the Arab citizens activism, both the Jewish left-wing Mapam (United Workers Party),⁶⁴⁷ and the ultranationalist Herut led by Menachem Begin, played a pivotal role in protesting against the military government.⁶⁴⁸ It was not easy to counter the Prime Minister Ben-Gurion and his policies as the Jewish 'public opinion' was on his side, and the local Jewish press was unanimous supportive to his policies.⁶⁴⁹ Yet, sustained local and international criticisms of the military government resulted in removing in mid 1960s as will be detailed below.

'Prescriptive status' (Fourth Phase).

'Prescriptive status' as defined is a stage when states accept international norms through international signing human rights agreements and incorporate language of human rights in their discourse.⁶⁵⁰ The first sign of change that reflects Israel's progress towards 'prescriptive status' was in 1963 when Levi Eshkol who replaced Ben-Gurion as a Prime Minister, declared his intention of ending the military government in 1966 as he believed it was unsustainable; politically, practically, and morally.⁶⁵¹ Following Eshkol's declaration, the Israeli government signed three International human rights agreements. These include: the Convention on the Elimination of All Forms of Racial Discrimination

⁶⁴⁵ Shira Robinson, *Citizen Strangers* (Stanford (Calif.): Stanford University Press, 2013).

⁶⁴⁶ Arnon Yehuda Degani, "The Decline And Fall Of The Israeli Military Government, 1948–1966: A Case Of Settler-Colonial Consolidation?", *Settler Colonial Studies* 5, no. 1 (2014): 84-99, doi:10.1080/2201473x.2014.905236.

⁶⁴⁷ Marwan Darwish and Andrew Rigby, *Palestinians In Israel* ([Bradford]: University of Bradford, Dept. of Peace Studies, 1995).

⁶⁴⁸ Hillel Frisch, *Israel's Security And Its Arab Citizens* (Cambridge [England]: Cambridge University Press, 2011), 23.

⁶⁴⁹ Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011).

⁶⁵⁰ Eran Shor, "Conflict, Terrorism, And The Socialization Of Human Rights Norms: The Spiral Model Revisited", *Social Problems* 55, no. 1 (2008): 117-138, doi:10.1525/sp.2008.55.1.117.

⁶⁵¹ Arnon Yehuda Degani, "The Decline And Fall Of The Israeli Military Government, 1948–1966: A Case Of Settler-Colonial Consolidation?", *Settler Colonial Studies* 5, no. 1 (2014): 84-99, doi:10.1080/2201473x.2014.905236.

treaty (ICERD) in 1965,⁶⁵² the 1966 International Covenant on Civil and Political Rights (ICCPR),⁶⁵³ and the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR).⁶⁵⁴ While some of these international covenants are not enforceable laws, states concerned about their international image were influenced by them including Israel that sought to be accepted as an integral member of the international community and therefore.⁶⁵⁵

'Rule-consistent behaviour' (The final phase of the spiral model).

The move to the fifth phase 'rule consistent behaviour' was around the same years where Israel's conduct was characterised by the 'prescriptive status'. According to the authors of the spiral model,⁶⁵⁶ the final phase of the spiral phase exists when human rights violations decrease, and norm acquiescence becomes a regular practice of actors. Clearly human rights norms in Israel achieved 'rule-consistent behaviour' status with the end of the military government in 1966. The fundamental change came following the Six Day War, in October 1968 when all movement limitations on Israel's Arab citizens formally ended.⁶⁵⁷

The spiral model suggests that in order for domestic and international pressures to have an impact, governments must have some form of vulnerability to internal and external pressures.⁶⁵⁸ 'Moral vulnerability' requires that governments must be sensitive to the pressures and that they care about their image.⁶⁵⁹ In this sense, Bauml (2002) argues that there was international criticism against Israel especially from South Africa and Asia and as Ben-Gurion considered the relations with these continents as important for Israel, he was advised in late 1950s that ending the military government would challenge the

⁶⁵² "International Convention On The Elimination Of All Forms Of Racial Discrimination", *Ohchr.Org*, 1965, <https://ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.

⁶⁵³ "International Covenant On Civil And Political Rights", *Ohchr.Org*, 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

⁶⁵⁴ "International Covenant On Economic, Social And Cultural Rights", *Ohchr.Org*, 1966, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

⁶⁵⁵ Oded Haklai, *Palestinian Ethnonationalism In Israel* (Philadelphia: University of Pennsylvania Press, 2011).

⁶⁵⁶ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Power Of Human Rights: International Norms And Domestic Change* (New York: Cambridge University Press, 1999).

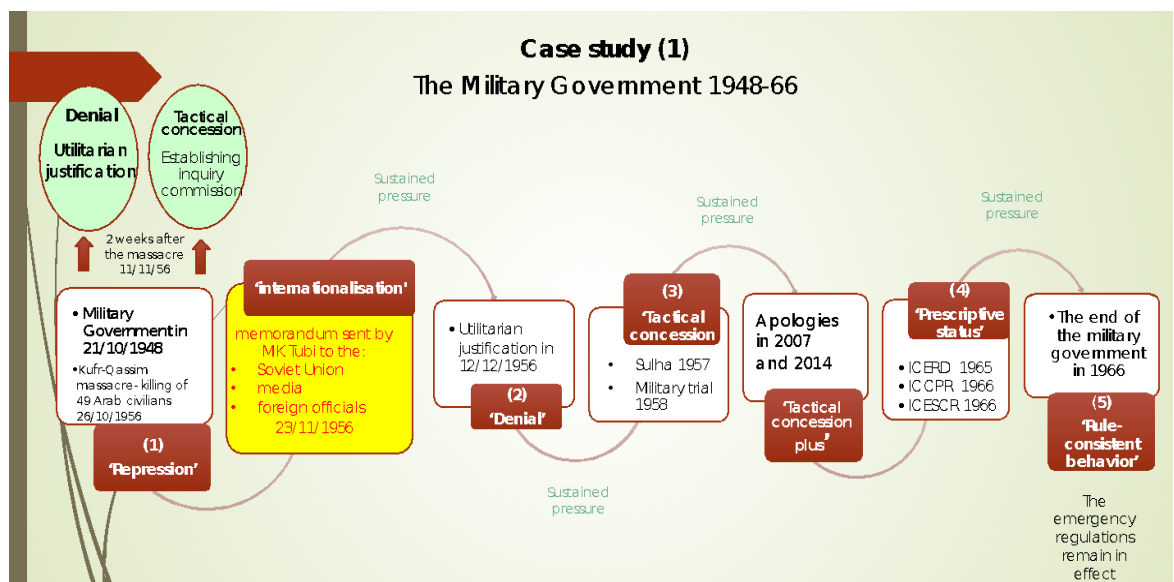
⁶⁵⁷ Sabri Jiryis, *The Arabs In Israel* (Beirut: Lebanon, 1969).

⁶⁵⁸ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights* (UK: Cambridge University Press, 2013).

⁶⁵⁹ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights: From Commitment To Compliance* (New York: Cambridge University Press, 2013).

pan-Arab propaganda that Israel is a foreign body in the Middle- East, and prove to the world that Jews and Arabs can live together.⁶⁶⁰ At this point even though continued to believe in the necessity of the military administration his government started to gradually relax policies towards the Arab citizens. Eventually, when Ben-Gurion, the champion of the Military Government retired (due to personal reasons as he declared and was replaced) and he was by Levi Eshkol in June 1963.⁶⁶¹ The Eshkol's government has moved Israel to the final phase of the spiral mode, 'rule-consistent behaviour' with regard to the military rule.

Figure (6): The military government (1948-66) on the spiral model



Alternative Explanations

It is noted earlier (phase one, repression) that Israel's official policy was based on the fear of Arab disloyalty. However, some sources in the academic literature challenge this claim and argues that it is only partially true. The literature suggests different explanations for the end of military rule that are largely external to human rights discourse. It supports the argument that the military administration was designed to achieve state goals, which had a minor relation with the immediate security threat. Simply put, the main reason that the state imposed the regime on the Palestinians who remained in Israel was to ban

⁶⁶⁰ Yair Bauml, in *Jewish-Arab Relations In Eretz Israel/Palestine* (Jerusalem: The Hebrew University Magnes Press, 2002), 144. [in Hebrew]

⁶⁶¹ Arnon Yehuda Degani, "The Decline And Fall Of The Israeli Military Government, 1948–1966: A Case Of Settler-Colonial Consolidation?", *Settler Colonial Studies* 5, no. 1 (2014): 84–99, doi:10.1080/2201473x.2014.905236.

them from reaching their lands by declaring them 'closed zones'. This move aimed to the confiscate of Arab-owned land as directly following the establishment of the state of Israel, the Israeli government took over an area of more than 3,250,000 dunums.⁶⁶² It is also believed that the military government meant to marginalise the Arab minority politically so that they would not protest their dispossession, and to create a mechanism that would suspend the democratic rule of law enjoyed by Jews.⁶⁶³ Therefore, the fact that the Zionist movement has achieved its demographic and economic plans in the 1960s, the state's top elite decided at that point of time to adopt new democratic strategies to maintain the privileges of Israel as a liberal country.⁶⁶⁴

Another explanation refers to the events of 1960s at the international level that witnessed a global wave of increasing human rights and decolonisation discourse. For example, in 1961 the UN General Assembly voted in favour of imposing sanctions against the Apartheid regime in South Africa.⁶⁶⁵ So, it is believed that international norms played a pivotal role in compelling the Israeli government to meet the new human rights standards, even though this matter was not at top priorities of the Israeli policy makers.⁶⁶⁶

There is a significant gap in the literature because it does not establish a clear causal hierarchy. Thus, it remains unclear from the academic discourse whether or not the change in the international consensus on human rights or the domestic political pressure from both Arab and Jewish citizens alongside international critics would have been effective if the Zionists had not achieved the goals that are ascribed to them. In any case, according Risse 2016, stable improvement in human rights conditions usually require some measure of political transformation and can be regarded as one aspect of liberalisation

⁶⁶² Tawfiq Zayyad, "The Fate Of The Arabs In Israel", *Journal Of Palestine Studies* 6, no. 1 (1976): 92-103, doi:10.1525/jps.1976.6.1.00p0441, 95.

⁶⁶³ Ian Lustick, *Arabs In The Jewish State* (Austin, Tex: Univ. of Texas Press, 1982); Sabri Jiryis, "The Land Question In Israel", *MERIP Reports*, no. 47 (1976): 5, doi:10.2307/3011382; Masalha, *Catastrophe Remembered: Palestine, Israel, And The Internal Refugees* (New York: Zed Books LTD, 2005); Amal Jamal, "Palestinian Citizens Of Israel", in *The Israeli-Palestinian Conflict* (London and New York: Routledge, 2013).

⁶⁶⁴ Arnon Yehuda Degani, "The Decline And Fall Of The Israeli Military Government, 1948–1966: A Case Of Settler-Colonial Consolidation?", *Settler Colonial Studies* 5, no. 1 (2014): 84-99, doi:10.1080/2201473x.2014.905236; Yair Bauml, in *Jewish-Arab Relations In Eretz Israel/Palestine* (Jerusalem: The Hebrew University Magnes Press, 2002), 144. [in Hebrew]

⁶⁶⁵ Oded Haklai, "State Mutability And Ethnic Civil Society: The Palestinian Arab Minority In Israel", *Ethnic And Racial Studies* 32, no. 5 (2009): 864-882, doi:10.1080/01419870802270917.

⁶⁶⁶ Oded Haklai, *Palestinian Ethnonationalism In Israel* (Philadelphia: University of Pennsylvania Press, 2011).

processes. Enduring human rights changes, therefore, go hand in hand with domestic structural changes.⁶⁶⁷ All of the aforementioned explanations refer to factors that were relevant.

Ending military rule in 1966 marked a significant change in the pattern of the violation of Arab rights in Israel. It significantly reduced the control of the Israeli government over the Arab minority and authority gradually decentralised in the civic sphere over time. The security policies in relation to the Arab citizens became more sophisticated and realistic and the control of the police, general security service, and other security agents has become more flexible.⁶⁶⁸ However, the patterns of control that were developed during the period of the military government have determined, to a large extent, the nature of the relationship between Israel and its Arab minority.⁶⁶⁹ Some authors believe that the termination of the military government came to allow Israel to remove the appearance of discrimination and thus to enhance its global image, while keeping the emergency regulations; moving the powers of the regime to the civilian police; and inaugurating a new plan to settle the Galilee.⁶⁷⁰

Indeed, the state of emergency has never been lifted completely; the emergency regulations subject to certain adjustments have remained in effect until the current day. Israeli governments have continued judicial and administrative measures designed to seize lands of the demolished villages to prevent the return of the internally displaced.⁶⁷¹ Few months after that Israel ended its Military Government in 1966, it started a new Military rule in the West Bank and Gaza Strip. In 1964, eight years after the distribution of Tubi's memorandum, and two years before the end of the military government, another petition was forwarded to the UN by the al- Ard movement. This will be the next case study.

⁶⁶⁷ Thomas Risse, *Domestic Politics And Norm Diffusion In International Relations: Ideas Do Not Float Freely* (London and New York: Routledge, 2017).

⁶⁶⁸ Alina Korn, "Military Government, Political Control And Crime: The Case Of Israeli Arabs", *Crime, Law And Social Change* 34, no. 2 (2000): 159-182.

⁶⁶⁹ Korn, "Military Government, Political Control And Crime: The Case Of Israeli Arabs", 159-182.

⁶⁷⁰ Shira Robinson, *Citizen Strangers* (Stanford (Calif.): Stanford University Press, 2013).

⁶⁷¹ Nur Masalha, *Catastrophe Remembered: Palestine, Israel, And The Internal Refugees* (New York: Zed Books LTD, 2005).

4.2.2 Al- ard (the land) movement in 1964

The second key prominent event through which the spiral model can be applied as an analytical tool is in relation to al- Ard movement that evolved during the military rule and aimed to internationalise the 'question of the Arab citizens'. According to Mohammed Zeidan, the Head of the Arab Association for Human Rights (HRA), al-Ard was the first Arab extra- parliamentary body in Israel that aimed to draw international attention to the tribulations of the Arab citizens through the UN. Zeidan also stressed the role of Mansur Kardosh who was the prominent leader of the al- Ard activities and argued that the 1964 letter to the UN resulted in deterioration of the situation between the state of Israel and the outlawed al- Ard Movement.⁶⁷²

*'During the military rule period, Mansur Kardosh established al- Ard movement, which was outlawed following a memorandum that was sent to the UN. Al- Ard was the first extra- parliamentary movement that aimed to internationalise the grievance of the Arab citizens from an early stage. The UN memorandum was one of its most prominent international activities. It raised the complaints of the Arab citizens about Israel's military rule and policies of discrimination such as lands expropriation, and freedom of movement'*⁶⁷³

The new political movement called in Arabic al- Ard (The Land) established in 1959 by an intellectual group of the Arab community in Israel.⁶⁷⁴ This movement aimed to form a political Arab party that identified with the Pan-Arab ideology of the President of Egypt, Gamal Abdel Nasser. It was the first Arab Movement that openly denied Israel's right to exist, therefore it was security threat to the State.⁶⁷⁵ Edward Said described al-Ards' as 'the first resurgence of Palestinian national consciousness after 1948'.⁶⁷⁶

⁶⁷² Jacob, M. Landau, *The Arabs in Israel: a political study* (Oxford University press:1969), 95.

⁶⁷³ Mohammed Zeidan, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Nazareth, March 23, 2016.

⁶⁷⁴ Hillel Frisch, *Israel's Security And Its Arab Citizens* (Cambridge [England]: Cambridge University Press, 2011), 23; Sabri Jiryis, *The Arabs In Israel* (Beirut: Lebanon, 1969), 190.

⁶⁷⁵ Jacob, M. Landau, *The Arabs in Israel: a political study* (Oxford University press:1969).

⁶⁷⁶ Edward W Said and David Barsamian, *The Pen And The Sword* (Chicago: Haymarket Books, 1994), 24.

Like to the Arab Communist Arab leaders of MAQI, al- Ard leaders were more educated than the average leaders of the Arab population.⁶⁷⁷ However, unlike Communist leaders who emphasised a civil worldview, al- Ard members spoke the language of collective rights based on national and cultural grounds.⁶⁷⁸ Moreover, the movement operated without relying on any internal Jewish or external Soviet support as opposed to Arab communists that cooperated in parliament with Israeli Jews. This separatism from 'legitimate' activists (from the Israeli state's point of view) weakened its chances to be accepted in the Israeli mainstream, and develop as a challenging party to Maki for advocating the Arab citizens.⁶⁷⁹ Due to its orientation, the al-Ard movement was security threat to Israel and much attention was directed to its activity.⁶⁸⁰

'Repression' (first phase)

In late 1963, al-Ard group sought to achieve a license to publish a newspaper. Its request was rejected on the ploy that the editor, Saleh Baransi, did not have adequate education. The movement's second request after appointing another editor was again declined by relying on the Emergency Regulations.⁶⁸¹ As a result, the group appealed to the Israeli High Court of Justice against this decision but also the Court refused a permission to publish a newspaper by depending on emergency regulations, and using security discourse claiming that al-Ard's newspaper posed a danger to the state security.⁶⁸²

Attempted internationalisation.

Following the legal ruling preventing them from spreading their message locally, the al-Ard group sought to publicise its grievances internationally.⁶⁸³ In June

⁶⁷⁷ Amal Jamal, "Palestinian Citizens Of Israel", in *Routledge Handbook On The Israeli-Palestinian Conflict* (London and New York: Routledge, 2013), 278 -293.

⁶⁷⁸ Amal Jamal, "Palestinian Citizens Of Israel", in *Routledge Handbook On The Israeli-Palestinian Conflict* (London and New York: Routledge, 2013), 278 -293.

⁶⁷⁹ Ran Greenstein, 'The Palestinian National Movement and the Anti-Colonial Struggle' (paper presented at the University of the Witwatersrand for WISER seminar, South Africa, 29 July, 2013).

⁶⁸⁰ Hillel Frisch, *Israel's Security And Its Arab Citizens* (Cambridge [England]: Cambridge University Press, 2011).

⁶⁸¹ Leena Dallasheh, 'Political Mobilization of Palestinians in Israel: The al-Ard Movement', in *Displaced at home: Ethnicity and gender among Palestinians in Israel*, ed. Kanaaneh, Rhoda Ann, and Isis Nusair, (New York: State University of New York Press, 2010); Bligh Alexander, 'The Intifada and the new political role of the Israeli Arab leadership', *Middle Eastern Studies* 35, no.5 (1999), <http://www.tandfonline.com/doi/pdf/10.1080/00263209908701259> (accessed Mar 2015).

⁶⁸² Jacob M Landau, *The Arabs In Israel: A Political Study* (London: Routledge, 2016), 5.

⁶⁸³ Sabri Jiryis, "The Land Question In Israel", *MERIP Reports*, no. 47 (1976): 5, doi:10.2307/3011382.

1964, the movement sent a detailed memorandum to the Secretary-General of the United Nations about the situation of the Arabs in Israel.⁶⁸⁴ The letter was framed in legal language highlighting court decisions and Israeli laws to support its claims of inequality. Al-Ard's cause was presented to illustrate the unfair treatment Arabs in Israel receive and the lack of trust in the Israeli Supreme Court.⁶⁸⁵

*'The slight hope which cherished our minds and faith in the courts of justice vanished just after the High Court of Justice gave its judgment against the cause of al-Ard Co. LTD. That judgment, which aroused the indignation of all free-conscious citizens, was a deadly blow to the freedom of the individual and of the press'*⁶⁸⁶

The letter also protested the legal tools that the Israeli government used to seize Arab lands and limit the freedoms and rights of Arab citizens under the military rule. It claimed that Israel treated the Arab minority as second-class citizens and did not provide them equal political rights, opportunities in public services and health, public employment, and distribution of funds to local authorities.⁶⁸⁷ Notably, the 1964 memorandum stressed that the Arabs in Israel are integral part of Palestinians who are part of the Arab Nation worldwide and claimed that:

*'The Israeli Government keenly hopes to extinguish the Arab national feelings and to liquidate completely the Arab national entity in Israel... The al- Ard Group believes that'*⁶⁸⁸

The letter finished by demanding that the United Nations interfere to protect the rights of Arab citizens of Israel:

⁶⁸⁴ Sabri Jiryis, *The Arabs In Israel* (Beirut: Lebanon, 1969). P. 319-322.

⁶⁸⁵ Leena Dallasheh, 'Political Mobilization of Palestinians in Israel: The al-Ard Movement', in *Displaced at home: Ethnicity and gender among Palestinians in Israel*, ed. Kanaaneh, Rhoda Ann, and Isis Nusair, (New York: State University of New York Press, 2010); Bligh Alexander, 'The Intifada and the new political role of the Israeli Arab leadership', *Middle Eastern Studies* 35, no.5 (1999), <http://www.tandfonline.com/doi/pdf/10.1080/00263209908701259> (accessed Mar 2015).

⁶⁸⁶ Jacob M Landau, *The Arabs In Israel: A Political Study* (London: Routledge, 2016).

⁶⁸⁷ Leena Dallasheh, 'Political Mobilization of Palestinians in Israel: The al-Ard Movement', in *Displaced at home: Ethnicity and gender among Palestinians in Israel*, ed. Kanaaneh, Rhoda Ann, and Isis Nusair, (New York: State University of New York Press, 2010); Bligh Alexander, 'The Intifada and the new political role of the Israeli Arab leadership', *Middle Eastern Studies* 35, no.5 (1999), <http://www.tandfonline.com/doi/pdf/10.1080/00263209908701259> (accessed Mar 2015).

⁶⁸⁸ Leena Dallasheh, 'Political Mobilization of Palestinians in Israel: The al-Ard Movement', in *Displaced at home: Ethnicity and gender among Palestinians in Israel*, ed. Kanaaneh, Rhoda Ann, and Isis Nusair, (New York: State University of New York Press, 2010); "The Al-Ard Memorandum To The UN", *Palestine-Studies.Org*, 1965, <http://www.palestine-studies.org>. [in Arabic]

*'...The indifference of the Jews to the plight of the Arab citizens who suffer the consequences of the Emergency Regulations and the Military Rule, emphatically urge the effective interference of the United Nations...The UN is urgently requested to take into good consideration the complaints of Israeli Arab citizens and to safeguard their rights'*⁶⁸⁹

It is supposed that copies from the memo were forwarded to foreign embassies in Israel, editors of leading newspapers abroad and internationally known personalities.⁶⁹⁰ Similarly to Tubi's letter, Al-Ard's memorandum exemplifies another endeavour of the Arab leadership in Israel to raise international awareness in relation to their political status and to resist their marginalisation, by turning to international institutions. Yet, in this case, the Palestine National Liberation Movement (PLO), which distributed copies of this memo, and thereby acted as a transnational advocacy network for the Arab minority in Israel was undertaking armed attacks on Israel. This was not the first memorandum that al-Ard sent to the UN. A previous appeal was sent to the Secretary General of the United Nations in 1961 through telegram in relation to Arab youths who had tried to move from Israel to the Gaza Strip.⁶⁹¹ Eventually, Al-Ard's 1964 memo was denounced by all factions of the Jewish public, on the left and on the right,⁶⁹² and international appeals were not followed up for fifteen years.

The literature acknowledges the fact that the 1964 al-Ard's letter received a great interest by some groups in the Arab nations including the Arab press outside Israel.⁶⁹³ It was also noticed that it received much attention in the Israeli mainstream newspapers that reported about the government's intention of considering undertaking 'strict measures' against the movement to stop its subversive activities against the Israeli State.⁶⁹⁴

Backlash. 'Repression plus'.

⁶⁸⁹ Jacob M Landau, *The Arabs In Israel: A Political Study* (London: Routledge, 2016).

⁶⁹⁰ Landau, *The Arabs In Israel: A Political Study*.

⁶⁹¹ Landau, *The Arabs In Israel: A Political Study*.

⁶⁹² Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259.

⁶⁹³ Jacob M Landau, *The Arabs In Israel: A Political Study* (London: Routledge, 2016).

⁶⁹⁴ Leena Dallasheh, 'Political Mobilization of Palestinians in Israel: The al-Ard Movement', in *Displaced at home: Ethnicity and gender among Palestinians in Israel*, ed. Kanaaneh, Rhoda Ann, and Isis Nusair, (New York: State University of New York Press, 2010).

Like Tubi's memorandum, there is no account in the literature of any UN response related to al- Ard memo. Yet, in this case, the Israeli government viewed al- Ard's appeal as a subversive activity that extremely hurt the state,⁶⁹⁵ and reacted in an extreme manner. In November 11, 1964, the Israeli Minister of Defence outlawed the movement.⁶⁹⁶ In this context, this study suggests to describes this move as 'repression plus' to allow a room for further deterioration in the state's reaction as in this case. In the following year, in September 1965, the Central Elections Committee declined the party's demand to run for elections based on the claim that its members 'denied Israel's territorial integrity and its very existence'. The Supreme Court supported this decision, and on November 19, 1964, the movement's leading activists were detained and accused with endangering state security by contacting hostile Arab countries and the PLO, and establishing an illegal organisation.⁶⁹⁷ after a five-year legal battle including three petitions to the Israeli High Court.⁶⁹⁸

Clearly the backlash occurred following al-Ard's attempts to internationalise the military government cause including its cause refers to the group's nationalist ideology that was not compatible with the state's political agenda, and therefore drew to them the limitation of their political aspirations and activities. However, this backlash 'repression plus' could be also explained by its lack of an appropriate political status and of legitimacy compared with an elected parliamentarian such as in the case of MK Tubi.

It should be noted that outlawing al-Ard movement occurred in the same period when Eshkol's government was about ending the military government. These dynamics show that that the spiral model is incapable of reflecting the wider approach of the state towards human rights; rather it focuses only on individual cases.

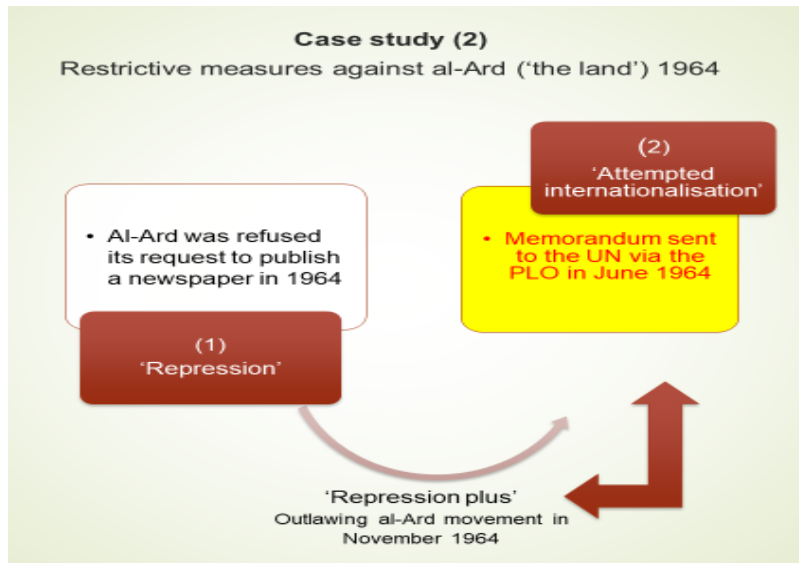
⁶⁹⁵ Dallasheh, 'Political Mobilization of Palestinians in Israel: The al-Ard Movement', in *Displaced at home: Ethnicity and gender among Palestinians in Israel*.

⁶⁹⁶ Sabri Jiryis, *The Arabs In Israel* (Beirut: Lebanon, 1969), 5-26; Leena Dallasheh, 'Political Mobilization of Palestinians in Israel: The al-Ard Movement', in *Displaced at home: Ethnicity and gender among Palestinians in Israel*, ed. Kanaaneh, Rhoda Ann, and Isis Nusair, (New York: State University of New York Press, 2010), 31.

⁶⁹⁷ Leena Dallasheh, 'Political Mobilization of Palestinians in Israel: The al-Ard Movement', in *Displaced at home: Ethnicity and gender among Palestinians in Israel*, ed. Kanaaneh, Rhoda Ann, and Isis Nusair, (New York: State University of New York Press, 2010).

⁶⁹⁸ David Kretzmer, "The Legal Status Of The Arabs In Israel, David Kretzmer, Westview Press, Boulder, CO (1990), Pp. 197.", *The Palestine Yearbook Of International Law Online* 6, no. 1 (1990): 313-329, doi:10.1163/221161491x00201.

Figure 3: Al- Ard Movement in 1964



4.3 The Galilee Development (Judaising) Plan (1975)

The end of the military government that lasted almost eighteen years may illustrates the very success of both the international and the local struggle of the Arab minority for their civil equality and liberty. However, while it may be claimed that internationalisation contributed to finally compelled the government to end the military rule, and thereby eliminating the symbolism of Arab subjugation, it was still ineffective in changing the Zionist ideology. The confiscation of Arab- owned lands continued, and this had implications for security policies aimed at the Arab minority. In other words, although Israel accepted the validity of human rights norms (e.g. the UN 1965,1966 agreements), the commitment of its top political leaders to equality was still weak.

It is believed that confiscation of Arab lands remains to a large extent the most pressing issue following the end of the military government.⁶⁹⁹ The Israeli governments allowed continuing land expropriation in Galilee. The term 'Judaising' was widely understood as a racist policy that aimed at seizing Arab lands for Jewish settlement and purportedly for security purposes.⁷⁰⁰ It was

⁶⁹⁹ Marwan Darwish and Andrew Rigby, *Palestinians In Israel* ([Bradford]: University of Bradford, Dept. of Peace Studies, 1995).

⁷⁰⁰ Yitzhak Reiter, "The Land Issues, Chapter 5", *Abraham Fund*, 2009, <https://www.abrahamfund.org/5544>. [in Hebrew]

seen to have its roots in pre-1948 Zionist ideology, which created a narrative of a claim to Arab lands based on the need to unify geographically separated Jewish localities, especially where Arabs were in the majority in regions such as Galilee and the north-eastern Negev. Jewish settlements in such regions were regarded as the ultimate goal of Zionism.⁷⁰¹ These Zionist aspirations began to become reality between 1948 and 1972 when vast swathes of land were taken over through Israeli laws. Overall, successive Israeli governments confiscated more than 250,000 acres of Arab lands in Galilee and in the Triangle. This was in addition to the millions of acres of land from which its owners had already been evicted in 1948.⁷⁰² Naturally, such expropriation of land resulted in much resentment among the dispossessed Arab citizens. However, there were no concerted efforts to protest or even repossess lost lands because a military government was in place specifically to control the Arab citizens. However, active protests Israel's policies of lands confiscations took place for the first time in 1976, and it was followed by internationalisation attempts through various means of 'Public Memoranda' (and local protest+ land day book). This will be further discussed in the following sections.

'Repression' (first phase).

Resentment about Arab land confiscations continued to foment and on March 30, 1976, known as the 'Land Day' events, there were widespread protests, which erupted in response to the revealing of the government's plan to take over a vast area of land which belonged to Arab citizens. This plan was first devised in October 1975 when the Israeli Minister of Agriculture proposed 'The Galilee Development [Judaisation] Plan'.⁷⁰³ However, this proposal remained secret and only became public knowledge in 1976.⁷⁰⁴

⁷⁰¹ Ismael Abu-Saad, "Spatial Transformation And Indigenous Resistance", *American Behavioral Scientist* 51, no. 12 (2008): 1713-1754, doi:10.1177/0002764208318928.

⁷⁰² Shadi Khalilieh, Tal Ben Zvi and Jafar Farah, "Land Day The History, Struggle And Monument", *Mossawa.Org*, 2015, <http://www.mossawa.org/uploads/Land%20Day%20Book%20English%20all.pdf>.

⁷⁰³ Nida Shoughry, *"Israeli-Arab" Political Mobilization: Between Acquiescence, Participation, And Resistance* (New York: Palgrave Macmillan, 2012).

⁷⁰⁴ Ilan Pappé, *Forgotten Palestinians - A History Of The Palestinians In Israel* (New Haven: Yale University Press, 2011), 126.

One explanation for the seizure of Arab lands in Galilee was its proximity to Lebanon, which was perceived to be hostile to the state of Israel and because this land was extensively inhabited by Arab citizens the region was considered to be a security risk.⁷⁰⁵ It was planned to confiscate over 5000 acres of land, which had high proportions of Arab population in Galilee, the Negev and the Triangle. Arab citizens believed that the Israeli government used the term 'development plan' as a rhetorical pretext for seizing the lands but, in reality, the ulterior motive was the policy of Judaisation. This was clearly stated in the following statement from the project of the 'Judaisation of the Galilee':

*'The special issue of Galilee is the lack of Jewish citizens compared with non-Jews who constitute 70% of the total population'*⁷⁰⁶

The plan clearly reveals the Jewish government's perception that the heavily populated Arab constituency of Galilee posed a serious threat to security especially in view of its proximity to Lebanon. Most of the confiscated land was earmarked for future development as military training camps and industrial estates.⁷⁰⁷ Evidence of the government's plan is to be found in a document leaked to the Israeli media and published on September 7, 1976. This was the first publicly available document that refers to the Arab citizens as a 'demographic threat' and which laid out a plan for reducing the influence of Arab citizens of Israel in the Galilee region. This document became known as the 'Koenig Memorandum'⁷⁰⁸ after its principle author Yisrael Koenig who was at that time the North District's Governor in the Ministry of Interior. It highlighted what he termed as the anomalous situation of the Arab minority in Israel and spelled out the state's policy towards the minority. Koenig argued in favour of limiting the number of Arab citizens living in Galilee and the Negev region by confiscating their lands.⁷⁰⁹

⁷⁰⁵ "Pages Of Our Land's Tragic History", *Mossawa.Org*, accessed 5 October 2018, http://mossawa.org/uploads/1_Land-Day-Book-English-27-46.pdf.

⁷⁰⁶ Shadi Khalilieh, Tal Ben Zvi and Jafar Farah, "Land Day The History, Struggle And Monument", *Mossawa.Org*, 2015, <http://www.mossawa.org/uploads/Land%20Day%20Book%20English%20all.pdf>.

⁷⁰⁷ Nida Shoughry, *"Israeli-Arab" Political Mobilization: Between Acquiescence, Participation, And Resistance* (New York: Palgrave Macmillan, 2012).

⁷⁰⁸ "A Secret Document: The 'Koenig Memo'", *Cosmos.Ucc.Ie*, 1976, <http://cosmos.ucc.ie/cs1064/jabowen/IPSC/articles/article0044090.pdf>.

⁷⁰⁹ Nida Shoughry, *"Israeli-Arab" Political Mobilization: Between Acquiescence, Participation, And Resistance* (New York: Palgrave Macmillan, 2012).

'Attempted internationalisation'

The Galilee (Judaising) Development Plan was met with stiff opposition from the Arab community strengthened by some support from democratically minded Jewish citizens. Undeterred, the government decided to continue with land confiscation and Judaisation. The response of the Arab leadership to the government's obstinacy took three forms. One response took place in the form of the 'Land Day' public protests on 30 March 1976. Locally, protests were organised in villages throughout Galilee by the National Committee for the Defence of the Arab Lands (NCDAL), which advocated on behalf of Arab citizens whose lands were at risk of being expropriated. This committee was extra-parliamentary but was inspired by the new Arab-dominated Communist Party (Rakah). Tension escalated when six Palestinians from the Galilee were shot dead by Israeli security forces during the strike. About 100 others Arab protesters were wounded and hundreds were arrested during the March 30 protest.⁷¹⁰

Land Day marked a turning point in the history of the Arab citizens in Israel as it was the first time that they held a region wide demonstration of such magnitude. It signalled a new era in relations between the minority Arab population and the Israeli government in which it became clear that the minority were no longer content to remain passive in the face of policies, which were inimical to their interests. Such widespread protest prompted Tawfik Zayad, Former Mayor of Nazareth to comment:

*'The general strike on Land Day was a turning point in the struggle, marking a qualitative change in it. The strike caused an earthquake that shook the state from end to end, and overturned its policies and expectation'*⁷¹¹

The 'Land Day' protests, marked by fatalities and injuries became the focus not only of national news coverage but also international commentary.⁷¹² Even

⁷¹⁰ Nida Shoughry, *"Israeli-Arab" Political Mobilization: Between Acquiescence, Participation, And Resistance* (New York: Palgrave Macmillan, 2012).

⁷¹¹ Tawfiq Zayyad, "The Fate Of The Arabs In Israel", *Journal Of Palestine Studies* 6, no. 1 (1976): 92-103, doi:10.1525/jps.1976.6.1.00p0441r.

⁷¹² Shadi Khalilieh, Tal Ben Zvi and Jafar Farah, "Land Day The History, Struggle And Monument", *Mossawa.Org*, 2015, <http://www.mossawa.org/uploads/Land%20Day%20Book%20English%20all.pdf>.

though six Arab citizens lost their lives and many others were injured, there was no investigation carried out after the event nor was any Israeli government official held to account and no member of the security forces who was ever prosecuted. On numerous occasions the politicians and families of the victims called for an independent inquiry into the events of that day but their request was rejected on the grounds that this was an isolated incident in which security forces were being threatened by hostile forces.⁷¹³ This response is in stark contrast with the government's reaction to the 1956 Kufr-Qassim massacre, where responsibility was accepted and explained as a mistake rather than laying the blame on the Arab victims as in this case. In the Kufr-Qassim incident there was an investigation and at least token punishment meted out to those found to have been guilty. A possible explanation for the refusal of an inquiry was the widespread publicity of the incident at the time and an inquiry at a later date would have rekindled a more media or international attention.

The difference in the strategy of Israeli government's reaction toward the two events is clear. It is noticeable that in the 1976 'Land Day' event, the Israeli government did not try to prevent any possible domestic and international criticism. In another words, it did not give any 'utilitarian justification' for the killing of civilians rather it portrayed them as a real security threat to the state. However, since 1976 The Land Day has become etched in the Arab minority consciousness as a symbolic memorial of their struggles for justice while the victims have been elevated to the status of martyrs for the cause. The 31st of March has become a key date in the calendar of Arab citizens and Palestinians throughout historic Palestine,⁷¹⁴ and for Palestinians in exile throughout the world.

The second attempt to draw international attention to the 'Land Day' events was by publishing the 'the publication of the 'Black Book',⁷¹⁵ which took place in the immediate aftermath of the 'Land Day' events to record the history of Land Day, to present the facts on that day and to refute the Israeli narrative about the

⁷¹³ Nida Shoughry, *"Israeli-Arab" Political Mobilization: Between Acquiescence, Participation, And Resistance* (New York: Palgrave Macmillan, 2012).

⁷¹⁴ Nur Masalha, *The Palestine Nakba: Decolonising History, Narrating The Subaltern, Reclaiming Memory* (London: Zed Books, 2012), 242-243.

⁷¹⁵ "The Black Book On Land Day, 30 March 1976", *Scribd*, 1976, <https://www.scribd.com>

civilians who were killed.⁷¹⁶ Similarly to Tubi's memorandum, and his work as local TAN in documenting evidences about the Kufr-Qassim massacre, NCDAL produced the 'Black Book' to record significant evidence of the struggle for the land rights of the Arab minority, and the lack of response from the government was recounted. According the interview with MK Odeh the book was distributed to foreign networks but no further details were provided.⁷¹⁷

Another attempt to internationalise the Arab minority cause took the form of Memorandum sent to the UN 1979.⁷¹⁸ The existence of this memorandum was brought to the attention of the researcher during an interview with Jaafar Farah, COE, Mossawa Centre:

*'...the National Committee for the Defence of Arab Lands sent a memorandum to the UN in late 1970s in relation to Israel's policies towards the Palestinian minority. We [Mossawa Centre] have published a book about the priest Shehadeh Shehadeh who was the secretary of the NCDAL and we included this memorandum in the book'*⁷¹⁹

On the 27th February 1979, a date celebrating the 30th anniversary of the Universal Declaration of the Rights of Man, the National Committee for the Defence of Arab Lands (NCDAL) sent the memorandum outlining the various violations of human rights of the Arab minority in Israel. In the literature of TAN, this deliberate timing of action to coincide with important landmark dates is defined as 'symbolic politics'.⁷²⁰ This is a strategy, which relies on having recourse to the power of actions, symbols or narratives that resonate with the sensibility of the intended audience.⁷²¹ The political symbolism of the date and its force is emphasised at the beginning of the memorandum:

'On the occasion of celebrating the 30th anniversary of the Universal Declaration of Rights of Man, we place before you our public protest against the repeated violations of Arab human rights by successive Israeli government. Since our purpose in this document is confined to protesting against the systematic governmental policy of expropriation of

⁷¹⁶ Shadi Khalilieh, Tal Ben Zvi and Jafar Farah, "Land Day The History, Struggle And Monument", Mossawa.Org, 2015, <http://www.mossawa.org/uploads/Land%20Day%20Book%20English%20all.pdf>.

⁷¹⁷ Odeh, Ayman, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. April 1, 2016.

⁷¹⁸ Mossawa Centre, *Vision and Practice* (Haifa, 2012).

⁷¹⁹ Farah, Jafar, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Haifa, March 15, 2016.

⁷²⁰ Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks In International And Regional Politics", *International Social Science Journal* 51, no. 159 (1999): 89-101, doi:10.1111/1468-2451.00179.

⁷²¹ Keck and Sikkink, "Transnational Advocacy Networks In International And Regional Politics", 1999.

*Arab land, we will not list here the various violations of human rights perpetrated by the Israeli government against the Arab citizens in all walks of life, social, economic and political particularly in the field employment, education, housing, municipal services and requisitioning of land in particular. Governmental policy of expropriation of Arab land, the eviction of Arab citizens from their villages and homes particularly during the early years after the formation of Israel, and now practiced against the Arab Bedouin population in the south (the Negev), is carried out under various pretext such as security, development, public interest, etc..... under whatever pretext it is done, this carefully planned scheme aims at depriving us of our rights, both as national minority and as individual citizens*⁷²²

This was a clear attempt to internationalise the plight of the Arab minority and the confiscation of their lands. The memorandum brought to the attention of the committee members the unfair policies and practices of the Israeli government. Particular reference was made in the memorandum of the events of the 'Land Day':

'The police attacked the striking citizens inside their villages, shot to death five innocent people in the villages of Sakhnin, Arraba, Kufr-Kanna and Taybeh, wounded tens more and arrested hundreds of others. Those arrested were taken to police stations where they were brutally tortured and humiliated. This, in short, was the government's reply to the Arab citizens' daring to exercise their human right of declaring a peaceful strike!... We are certain that your honorable committee, whose main task is to defend human rights, will also condemn these actions and procedures of the Israeli government which flagrantly violate basic human rights'

As evidence of these infringements of human rights and of the Israeli government's Judaisation policy, the memorandum referred to the Koenig leaked document that exposed the intention of the Israeli government to dispossess the Arab minority of their land and to settle Jewish citizens in their place.⁷²³ In presenting a rationale for the memorandum, a direct reference was made to this Koenig secret Memorandum:

'the successive Israeli governments have followed since the establishment of the state, a racist policy of discrimination and national oppression against the Arab minority in Israel to substantiate this statement it will surface to attach to this document a copy of the secret

⁷²² Mossaw a Centre, *Vision and Practice* (Haifa, 2012), 108-109.

⁷²³ A Secret Document: The "Koenig Memo", *Cosmos.Ucc.Ie*, 1976, <http://cosmos.ucc.ie/cs1064/jabowen/IPSC/articles/article0044090.pdf>.

Nida Shoughry, *"Israeli-Arab" Political Mobilization: Between Acquiescence, Participation, And Resistance* (New York: Palgrave Macmillan, 2012).

*memorandum presented to the government by Israeli Koenig, the Northern District Commissioner of the Galilee*⁷²⁴

NCDAL concluded its memorandum by emphasising the historical connection between the Arab minority and the land and asserted their right to be respected:

*'We also hope that you, on your part, will take whatever steps you deem necessary, to insure our decent life in our homeland, the homeland of our fathers and ancestors, and to safeguard our future and destiny'*⁷²⁵

It should be noted that like the absence in the UN database of Tubi's 1956,⁷²⁶ and al- Ard's 1965 Memoranda,⁷²⁷ attempts to find reference to this memorandum have proven unsuccessful. Neither is there any documentary evidence to be found of any official UN response to the memorandum. The author of this work is indebted to Mossawa Centre for being directed to the book Vision and Practice (2012), which is the only source, which contains the full text of the NDCAL's 1979 memorandum to the UN Committee on Human Rights.⁷²⁸ A copy of this publication was made available to the researcher during the interview with Jaafar Farah. The Mossawa Centre, which is supported by the EU has documented the NCDAL's Memorandum to the UN as one steppingstone in the process of organising national archive for the Palestinian community within Israel:

Similar to Tubi's memo, also in this case no evidence could be found in literature about the existence of human rights talk between Israel and foreign nations. Yet, one reliable important evidence about the impact of the internationalisation attempts of the 1975 Plan on the Israeli policies could be found in the study of Nida Shoughry (2012) through an interview with the most prominent leader of the 1976 Land Day protests, Rev. Shehadeh Shehadeh, who was the Chairperson of the National Committee for the Defence of Arab Land, (NCDAL) which led the Land Day protests. According to Shehadeh:

'our capabilities were within the demonstration and the unified voice of our public. We used all resources. We would invite TV reporters; hold

⁷²⁴ Mossawa Centre, *Vision and practice*, 108-124.

⁷²⁵ Mossawa Centre, *Vision and Practice*, 124.

⁷²⁶ "Taw fik Tubi's 1956 Memorandum", *Baqoon.Com*, 1956, http://www.baqoon.com/qasim/qasim/new_page_25.htm.

⁷²⁷ "The Al-Ard Memorandum To The UN", *Palestine-Studies.Org*, 1965, <http://www.palestine-studies.org>

⁷²⁸ Mossawa Centre, *Vision and practice*, 108-124.

press conferences with local and international press. Every year on Land Day, we would give interviews to international press. That would put pressure on Israel. We were revealing what was happening to us, and reflecting an image of Israel contrary to that which it had been trying to maintain. And Israel does not like that. But we were ready to do even more... we used the international public opinion. I remember in one of the meetings on land issues, which were normally held with local councils heads, I raised the issue of the provocations of Israeli security forces that would insult and terrorize the 1948 Palestinian public. So I suggested we approach the Israeli government on this matter, and if it does not cooperate, I suggested forming delegation that will head to the United Nations and expose Israel's treatment of its 1948 Palestinian citizens. The proposal was adopted by a majority of votes. Next day, I received a phone call from Ibrahim Nimr Hussein, saying he received massive number of calls from ministers, begging us not to appeal to the United Nations. They [the Israeli government] are afraid of [international] public opinion, and we took advantage of this fact in a right, polite, and democratic way that had its effect on our struggle. We did not, stop [after at the killings], we were not silenced. On the same hand, we did not want more killings ... we did not want blood. Also, just because there were killings does not mean our struggle was wrong⁷²⁹

Shehadeh's interview contribute to the broader understanding of the impact of the internationalisation efforts on preventing Israel from introducing more controlling policies. Shehadeh's evidence shows to a large extent the attention the Israeli State paid to its international reputation. It also can explain the talks that started following the 1976 'Land Day' events between the government and the Arab local councils to resolve the land dispute. These talks continued for almost a decade and eventually some concessions were obtained on behalf of Arab citizens. Eventually, there was a change in the government's policy as it did not apply the 1975 Judausation plan, and some tactical concessions were made. For example, it is reported that much of the land that had been confiscated in Galilee in 1976 was returned to its original Arab owners.⁷³⁰ It is believed that the government could restore expropriated land simply because the planned usage for which the land was taken in the first place had not been effected.⁷³¹ In any case, it is noticed that the Israeli government greatly limited its Judaisation strategy and especially during the Rabin- Peres government

⁷²⁹ Nida Shoughry, *"Israeli-Arab" Political Mobilization: Between Acquiescence, Participation, And Resistance* (New York: Palgrave Macmillan, 2012).

⁷³⁰ Yitzhak Reiter, *National Minority, Regional Majority* (Syracuse, N.Y.: Syracuse University Press, 2009), 161.

⁷³¹ Yitzhak Reiter, "The Land Issue", *Abraham Fund*, 2009, <https://www.abrahamfund.org/5544>. [In Hebrew]

between 1992 and 1996,⁷³² which reflects to a large extent the success of the 1976 struggle.

However, it should be noticed that neither Shehadeh's evidence nor the academic literature or interviewees of this study have provided information about the activation of any external transnational advocacy network that had influence on the behaviour of the Israeli government. Also, no information about international criticism of Israel's 1975 Judaisation Plan or response to the 1979 letter is found. Given that, NCDAL's efforts to introduce Israel as a country that is violating human rights, and to draw world attention to the land matter through its 1979 memorandum to the UN could count as a 'step' in the spiral model. Yet, it could be said that the combination of the internationalisation attempts that included the 1976 'Land Day' protests, the publication of the 'Black Book', NCDAL's memorandum to the UN, and the local talks between the government and the Arab leadership, all resulted in generating some strategic compromise from the Israeli government side. It is also might be that the geopolitical circumstances affected the Israeli policies as the late 1970s witnessed a historical peace agreement between Egypt and Israel.

Overall, there is almost a consensus among Arab leaders that the 1976 Land Day protests were the main reason that affected the Israeli policies. For example, despite the high price that had to be paid in terms of fatalities and injuries, the results of the Land Day strike were described as 'amazing'. The military closure order was not enforced following Land Day events; it remained in place many years later, and was eventually revoked by the Israeli government.⁷³³ In this sense, Tawfik Zayad, the Former Mayor of the city of Nazareth said:

'When people ask, how have we benefitted from the struggle? we usually respond that we paid a high price on and around Land Day, but those who fought succeeded in having rescinded military orders to expropriate 5000 acres of land. They further forced the state to forfeit similar plans. Today you can see all Mahel lands that are planted, green, and in Palestinian hands. We call for anyone who is uncertain about the

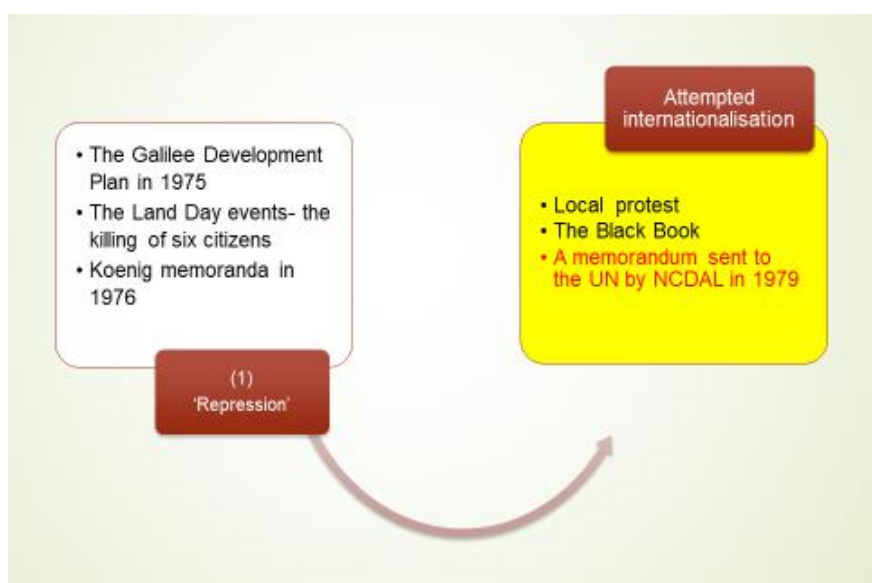
⁷³² Reiter, "The Land Issue", *Abraham Fund*. [In Hebrew]

⁷³³ "The Challenges Of 40Th Land Day", *Mossawa.Org*, 2016, <http://mossawa.org/he/article/view/538>.

*struggle's usefulness to visit these thousands of acres of land and see with their own eyes this crucial achievement*⁷³⁴

Nevertheless, it must be admitted that what appeared to be a victory turned to be a tactical concession by the state as it had merely changed the means of control over the Galilee region. Although there was no longer a massive land expropriation, the need to protect the land continues to be even more urgent than ever. While some original Arab owners have got their land back, many were now faced with having their homes destroyed because the building did not comply with national standards and that planning permission had not been obtained. Thus, the latter move could be a tactical ploy on the part of the Israeli government, which at face value seemed to grant concessions whereas in fact the government still retained control of the region without the need to confiscate the land.

Figure 5: The Galilee (Judaising) Development Plan (1975)



When compared with the forces who led the internationalisation process in case studies one (Tubi's 1956 memorandum) and two (al- Ard's 1964 memorandum), case study three (NCDAL's 1979 memorandum) offers both similarities and differences. In case study one and case study three, the communist element was a key force in the internationalisation process through Arab communist

⁷³⁴ Shadi Khalilieh, Tal Ben Zvi and Jafar Farah, *Land Day The History, Struggle And Monument*, 2nd ed. (Haifa: Mossaw a Center, the Advocacy Center for Arab Citizens in Israel, 2015),

cooperation with democratic Jewish forces. A further two shared elements refer to firstly, the local protests that took place towards the end of the 1950s and the mid of 1970s, and the killing of civilian Arab citizens by Israeli forces that pre-empted the internationalisation in both cases.

Yet, there are differences between case study one (Tubi's 1956 memorandum) and three (NCDAL's 1979 memorandum). Firstly, the letter to the UN in 1956 was sent by an Arab MP whereas in 1979 it was sent by an extra-parliamentarian body. Although both were communist bodies, the single MP reflects that in 1956 the Military Regime did not allow extra-parliamentarian activities. This fact was even strengthened by outlawing al- Ard movement. Finally, the 1956 memorandum was an open letter, not directed to any one specifically and sent indirectly, via the Soviet Union to the UN. In contrast, the 1979 memo was sent directly to the UN with a clear recipient and no need for an intermediary reflecting local Arab empowerment.

A key difference that distinguishes between the second (al- Ard's 1964 memorandum) and the third case studies (NCDAL's 1979 memorandum) from the third one is that in 1964 the letter sent to UN was directed to the UN by al- Ard movement, which represented a 'nationalist' extra-parliamentarian party in the eyes of the state, and this led to the outlawing of the movement that could be defined as 'repression plus' on the spiral model. This contrasts with the MP Tubi and NCDAL letters, which represented Communist ideology that to some extent was tolerated by Israeli governments.

Also, in case study one, the letter to the UN was sent via the Soviet Union, a powerful international body. Conversely, in case study two (the 1956 al- Ard's memorandum) the letter was sent to the UN via the PLO, a relatively new political body viewed negatively by the Israeli government and lacking the international reputation accorded the Soviet Union. This highlights the difference in quality of the transnational advocacy network and level of international media interest involved in the two cases and perhaps explains some of the success of the Kuf- Qassim case study in reaching 'tactical

concession plus' but the significant failure of case two in terms of progression in internationalisation and on the spiral model 'repression plus'.

Figure 7: Comparison between case studies 1948 and 1979

'Written Memorandum'			
	Case study 1	Case study 2	Case study 3
Reasons for Internationalisation	<ul style="list-style-type: none"> • Military government (MG) 1948-66 • Kufi-Qassem massacre (K.Q.M) in 1956 	<ul style="list-style-type: none"> • Restrictions measures against al-Ard movement in 1964 	<ul style="list-style-type: none"> • The Galilee (Judaising) Development Plan in 1975 • The Land Day events in 1976 • Koenig Memorandum in 1976
Key issues	<ul style="list-style-type: none"> • Killing of 49 civilians • Security discourse • Utilitarian justification 	<ul style="list-style-type: none"> • Security discourse • freedom of expression 	<ul style="list-style-type: none"> • Killing of six civilians in 1976 • Land confiscation • Security discourse
Key Players	<ul style="list-style-type: none"> • MK Tubi (Communist ideology) 	<ul style="list-style-type: none"> • Members of Al-Ard movement (nationalist ideology) 	<ul style="list-style-type: none"> • NCDAL (Communist ideology)
Internationalisation pattern	<ul style="list-style-type: none"> • Written memorandum in 1956 to the Soviet Union, media, UN and foreign figures 	<ul style="list-style-type: none"> • Written memorandum in 1965 to the UN in 1965 	<ul style="list-style-type: none"> • The Land Day protests in 1976 • The Black Book in 1976 • Written memorandum in 1979 to the UN
TAN	<ul style="list-style-type: none"> • Local NGO (the GS) • British Lawyer 	<ul style="list-style-type: none"> • PLO 	
Spiral model phase	<ul style="list-style-type: none"> • K.Q.M: Tactical concession plus (3+) • Military government: Rule consistent behaviour (5) 	<ul style="list-style-type: none"> • Repression plus (+1) 	

4.4 Conclusion

This chapter consisted of three different events whereby the Arab minority in Israel, represented by their elite used different mechanisms to internationalise their fight against discrimination and the denial of their human rights between 1948-1979. In this period of time TANs were not yet highly developed. However, there were the international media, churches, trade union and parliamentarians who had the capacity to impact on international discourses and who are elements of what later came to be characterised as TANs. These historical case studies predated the time period for Sikkink/Risse Kappen 'spiral' model was developed, that is, towards the end of 1990s. However, as has been pointed out

previously, even in the absence of TANs there were efforts to internationalise the violation of human rights and minority rights and the spiral model is useful to analyse these efforts.

The results demonstrate that the Arab citizens have been always internationally oriented while confronting Israeli strategies of control. Their efforts to raise international awareness concerning their grievances emerged in the 1950s due to three interrelated Israeli policy components: physical attacks on the Arab minority, inequality under the law and the failure to mobilise domestic courts.

The use of three memoranda aimed to a letter was used to alert the UN, the media and foreign governments about the human rights situation in Israel. It represented a central means for the internationalisation attempts by those protesting against Israeli oppressive policies during its first three decades. In each decade there was a written international memorandum that forwarded to the UN (1956, 1965, 1979). All proceeded by local opposition and unheard appeals to Israeli authority. The main domestic actors who led these internationalisation attempts emerged from various parts of the political sphere (parliamentarian and extra-parliamentarian movements).

In addressing the research questions, the boomerang- spiral model was used as a relevant way of understanding the internationalisation strategy adopted by the Arab intelligentsia in Israel to mobilise foreign support for their situation, and as a way to understand the state's response to both domestic and external pressures. The application of the spiral model to the process of internationalisation of the relations between the Arab citizens and the state of Israel has raised questions regarding the existing five levels.

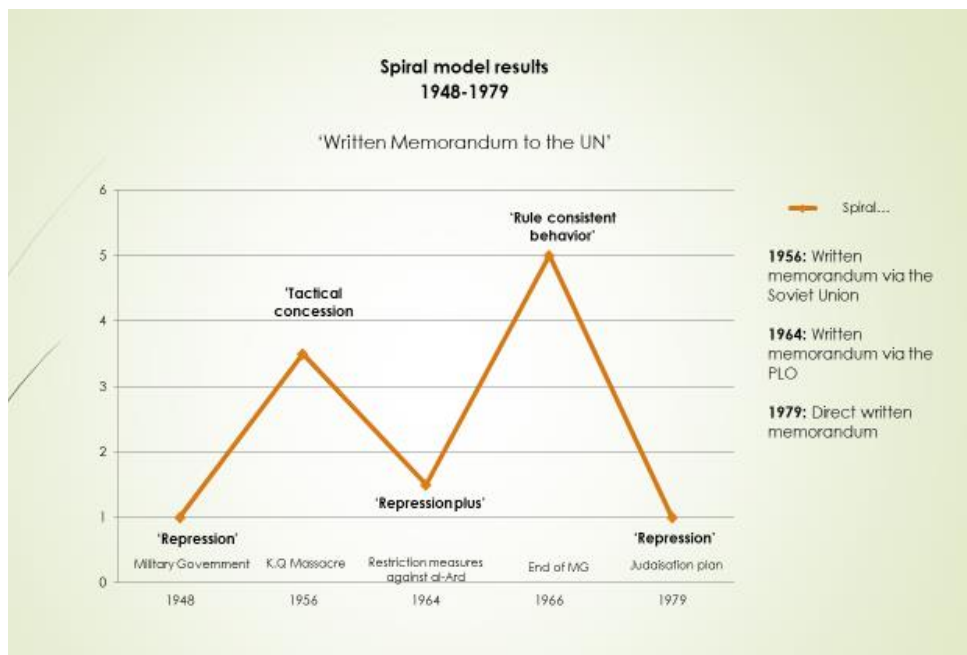
The period of Israel's Military Government demonstrates that Israel went through all stages of the spiral model, with two limitations. First, unlike the original model intended for authoritarian or Western regimes, the 'denial' and 'tactical concession' phases occurred twice: before and after the activation of network action (the attempt to internationalise). Secondly, the transition to the fourth and the fifth levels occurred in relation to opposition to the whole Military

Regime (beyond individual cases of human rights violations). It is possible to see these limitations as unique characteristics of the application of the spiral model on hybrid regimes.

The Military Regime was considered as an institution, which in its very essence constituted a violation of human rights norms and was designed to deny rights to Arab citizens of Israel and thus was the main factor that facilitated the occurrences of those events. In this particular case, the state in question was responsive to internal and external political criticism because the identity of the state relates to the values embodied in liberal democracy, even though the state acted against them due to the perceived need to provide for its security (i.e. utilitarian reasons). Clearly the state's commitment to liberal values since its inception in 1948, made the option of 'denial' of the legitimacy of international human rights impossible.

Internationalisation attempts not only generated political forces that exerted significant pressure on the Israeli government but it raised doubts as to whether the existence of a Military Government and the violation of the rights of the Arab minority were compatible with the very identity of the state. This does not mean, however, that security is no longer a factor in relations between the state and its Arab minority. Thus the emergency rules continue and as the second case study shows if internationalisation is not accompanied by adequate cooperation with Israeli liberal Jewish forces then the spiral is terminated in its initial phase.

Figure 6: Summary of the spiral model results 1948 and 1979



Chapter 5: Internationalisation by Civil and Legal Advocacy

5.1 Introduction

The previous chapter showed how the use of 'public memoranda' by an Arab parliamentarian, and another two extra-parliamentarian movements (the al-Ard and NCDAL), was a main tool in the internationalisation efforts during Israel's first twenty-three years (1948- 1979). The previous results also demonstrated that, even though the spiral model had reached its fifth phase by the termination of Israel's Military Government, the transition from a 'hybrid regime' to a democratic one was not a sufficient condition for the Israeli governments to maintain their liberal behavioural towards the Arab citizens.

Nearly a decade after proposing the Galilee [Judaising] Plan in 1975, the dispute over the land remained highly relevant particularly to the Bedouin citizens in both Northern and Southern Israel. However, this time, Arab civil society organisations (e.g. The Galilee Society and Adalah) were the main actors in the internationalisation attempts for achieving basic human rights (e.g. water and electricity) for the Bedouin citizens who reside in these 'unrecognised' villages.

Arab NGOs in Israel started to emerge following the enactment of the Association Law in 1981.⁷³⁵ Notably, human rights activists in these NGOs are highly educated and well connected to other global networks. Therefore, they have a vital role in raising national and international awareness about the Arab citizens. As Jamal (2011) argues:

*'These NGOs are well connected to international circles that campaign for human rights and seek to bring the problems of their community to the international stage. Arab NGOs are run by educated Arab leaders, who have studied abroad or have established networks in Europe or North America'*⁷³⁶

⁷³⁵Shany Payes, *Palestinian NGOs In Israel* (London: I.b. tauris, 2005).

⁷³⁶Amal Jamal, "Civic Associations, Empowerment And Democratization: Arab Civil Society In Israel", in *The Contradictions Of Israeli Citizenship: Land, Religion And State* (London: Routledge, 2011), 43.

Notably, the first main source of funding for Arab NGOs is Western countries mainly European, Canadian and American. The second source is Arab states. Most of the money received from Western foundations goes to secular NGOs, while the money received from Arab countries goes to religious NGOs belonging to the Islamic movement. Only few Arab NGOs received money from the state. This heavy dependence of Arab NGOs on foreign donors increases the fears expressed in the literature that ideas are driven by priorities of donors.⁷³⁷

It is believed that by channelling funds into Arab civil society organisations, and by declarative condemnations, the EU attempts to compensate for the lack of political support even though it cannot be replaced.⁷³⁸

An important development in relation to the Arab non-governmental sphere in Israel occurred during 2000 when few Arab NGOs such as Adalah 'Justice', Mossawa 'Equality', and the Human Rights Association (HRA) granted special consultative status for the United Nations institutions that deals with human rights bodies such as the United Nations' Economic and Social Council (ECOSOC).⁷³⁹ This prestigious status has undoubtedly empowered those NGOs, raised their international legitimacy, and provided them with influence over the United Nations' resolutions.

Arab NGOs use the strategy of international advocacy (INGOs) as a means of internationalisation to create external pressure on Israel to compel with international human rights and humanitarian law commitments. They are targeting international platforms by different ways 1) sending emergency requests and reports to EU's officials and UN monitoring bodies of treaties that Israel is signed on 2) meetings with UN Special Committees and Special Rapporteurs 3) publications of reports in countries with close diplomatic relations to Israel 4) lobbying visits to the US Congress and academic

⁷³⁷ Amal Jamal, "The Counter-Hegemonic Role Of Civil Society: Palestinian-Arab Ngos In Israel", *Citizenship Studies* 12, no. 3 (2008): 283-306, doi:10.1080/13621020802015446, 296.

⁷³⁸ Nathalie Tocci and Benedetta Voltolini, "Eyes Wide Shut: The European Union And The Arab Minority In Israel", *European Foreign Affairs Review* 16, no. 4 (2011): 521-538.

⁷³⁹ "Activity Of Israeli Organizations With Advisor Status To The United Nations, Against Israeli Policy", *Imti.Org.II*, 2015, <https://imti.org.il/wp-content/uploads/2015/09/Activity-of-Israeli-Organizations-with-Advisor-Status-to-the-United-Nations-Against-Israeli-Policy.pdf>.

institutions 5) active participation in annually meetings of the Human Rights Council regarding the violation of the Israel's Arab human rights.⁷⁴⁰

In an interview with Omar Khamaisi, the Director of Meezan Centre for Human Rights (Nazareth) he spoke about the dilemma of Arab Attorneys in relation to the use of the Israeli Supreme Court:

*'as Arab NGOs we always have the dilemma of whether to refer to the Israeli Supreme Court or not as it has its ways to protect the Israeli policies... imagine that in the Higher Supreme Court there is a judge who is settler, so how can you talk to him about human rights and international law while he is himself violates it. There is a well-known sentence in Hebrew that says "shoftim yoshvim betookh amam" which means "judges are sitting within their people". This affects our trust in the state's system'*⁷⁴¹

Clearly, there is a lack of trust in the Israeli legal system that is seen by Arab advocates as a serious obstacle when approaching them. As a result, it makes the choice of internationalisation more desirable for them. These dynamics also make some authors argue that Arab NGOs are not radical,⁷⁴² others consider them as are another weapon in the political warfare, and assert that the majority of the Jewish population in Israel perceive them as a political threat for the State global standing.⁷⁴³ Generally speaking, Israeli NGOs both Arabs and Jews alike that deal with human rights issues are not popular in the Israeli public sphere, and in many ways they are seen as 'traitors'. Recent survey shows that about 59% of Israeli Jews believe that Human and civil rights organisations harm the State of Israel.⁷⁴⁴ This is negative approach towards the civil society organisations was translated in anti-campaigns that aimed to shame and delegitimise them (e.g. Im Tirtzu Campaign),⁷⁴⁵ and in promoting the controversial NGO bill which is formally known as 'Transparency Requirements

⁷⁴⁰ Jafar, Farah, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Nazareth, March 15, 2016.

⁷⁴¹ Omar, Khamaise, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Nazareth, March 15, 2016.

⁷⁴² E.g. Dov Waxman, "Israel's Palestinian Minority In The Two-State Solution: The Missing Dimension", *Middle East Policy* 18, no. 4 (2011): 68-82, doi:10.1111/j.1475-4967.2011.00511.x.

⁷⁴³ Steinberg 2006, cited in Hillel Frisch, *Israel's Security And Its Arab Citizens* (New York: Cambridge University Press, 2011), 106.

⁷⁴⁴ Tamar Hermann et al., "The Israeli Democracy Index", *En. Idi. Org. Il*, 2017, <https://en.idi.org.il/media/9837/israeli-democracy-index-2017-en-summary.pdf>. such as the Association for Civil Rights in Israel and B'tselem

⁷⁴⁵ Chemi Shalev, "Im Tirtzu And The Proto-Fascist Plot To Destroy Israeli Democracy", *Haaretz.Com*, 2015, <https://www.haaretz.com/opinion/.premium-the-proto-fascist-plot-to-destroy-israeli-democracy-1.5378187>.

for Parties Supported by Foreign State Entities Bill' that was enacted in 2016.⁷⁴⁶ The bill aims to closely monitor foreign funding and activities of the civil society organisations, and it was widely condemned and been described as 'discriminatory' and 'anti-democratic'. Commenting on this issue, Yariv Oppenheimer, the Former Head of the left-wing Israeli campaign group Peace Now said:

'We are portrayed as "foreign agents"...promoting the idea we are working for foreign money is a way of branding us as "traitors" that aren't part of society... NGOs are almost 'the enemy from the inside...this is the language we are seeing.... the new proposal is not about getting new information to the public, It is about trying to shame and delegitimise critics of the government'⁷⁴⁷

Both Israeli and international media have widely focused on the influence of the Israel's policies towards the civil society organisations in relation to Jewish left-wing NGOs. However, the latter bill has also a significant impact on Israel's Arab NGOs. In a meeting in April 2016 with Mohammad Zeidan, General Director of the Arab Association for Human Rights (HRA),⁷⁴⁸ the author of this thesis received a copy of an open letter that was circulated to various foreign bodies in a response to the NGO bill. The letter was sent to on behalf 27 Arab NGOs to highlight the vulnerability of the Arab civil society organisations in Israel because of such legislations. It also raised the issue of the outlawing of the Northern branch of the Islamic Movement in Israel and its 20 charitable organisations:

'As an independent NGOs that serve the marginalized Palestinian Arab minority we write you to express our deep concern about the recent escalation of both official and public hostility and governmental restrictions to human rights and civil society.... current and pending legislation penalize the expression of certain opinions, law enforcement targets those who support dissenting views, and officials incite fears of foreign "moles" sent to enable terrorism. At least 20 charitable organizations associated with the Islamic Movement in Israel, which was recently outlawed solely on spurious, ideological grounds, have been shut down for their alleged political affiliations.... these efforts serve not only to delegitimize the important work of civil society, but also to

⁷⁴⁶ "Proposed Legislation: NGO Transparency Bill", *Adalah.Org*, 2016, https://www.adalah.org/uploads/NGO_transparency_bill_English.pdf.

⁷⁴⁷ Holly Young, "Israel: 'Some Ngos Are Seen As The Enemy From The Inside'", *The Guardian*, 2016, <https://www.theguardian.com/global-development-professionals-network/2016/may/11/israel-some-ngos-are-seen-as-the-enemy-from-the-inside>.

⁷⁴⁸ the Arab Association for Human Rights also known as HRA was founded in 1988 is one of the oldest and the most established NGOs in the Arab society in Israel.

*"legitimize" intimidation, harassment and even violent reprisal. Activism, advocacy and philanthropy could be driven into silence, depriving marginalized groups particularly the Palestinian Arab minority of the few resources they have left, and exacerbating tensions in the country and the region*⁷⁴⁹

Yet, it is argued that negative attitudes towards human rights NGOs are not a unique Israeli phenomenon, rather part of an international growing trend of suppressing civil society organisations. As Mandeep Tiwana, Head of Policy and Research at Civicus states:

*'This vilification of civil society is increasingly common across the world. When you have civil society actors uncovering uncomfortable truths, portraying them as acting at the behest of foreign interests or as threats to national security is a classic way for governments to divert attention away from the skeletons in their own cupboards'*⁷⁵⁰

This chapter seeks to explore a new pattern of 'Civil and Legal' internationalisation as one of the multiple modes of resistance that characterise the Bedouin struggles for recognition in Israel. This chapter examines two case studies concerning the 'unrecognised' Bedouin Palestinian communities both in Northern and Southern Israel. The former examines the issue of clean water shortage and unsanitary waste disposal in the 'unrecognised' Bedouin communities in the North in 1992 through a petition to international tribunal. The latter looks at the 'Praver-Plan' in relation to the arrangement for thirty-six 'unrecognised' Bedouin villages in the South in 2011-2013 through international advocacy.

At the core of the problem lays the fact that a significant part of the Bedouin citizens of who resides in 'unrecognised' villages in Israel see themselves as indigenous communities and land owners, while the state authorities declared them to be illegal 'infiltrators' and 'trespassers'⁷⁵¹ on state land whom the state must evict.⁷⁵² Their identity is not recognised and this is evident in a discourse,

⁷⁴⁹ 'Joint letter of 26 Palestinian Arab NGOs in Israel on the Growing Threats to Civil Society', 3 March 2016.

⁷⁵⁰ Holly Young, "Israel: 'Some Ngos Are Seen As The Enemy From The Inside'", *The Guardian*, 2016, <https://www.theguardian.com/global-development-professionals-network/2016/may/11/israel-some-ngos-are-seen-as-the-enemy-from-the-inside>.

⁷⁵¹ Ratcliffe Richard, "Bedouin Rights, Bedouin Representations: Dynamics Of Representation In The Naqab Bedouin Advocacy Industry", *Journal Of Holy Land And Palestine Studies* 15, no. 1 (2016): 97-124, doi:10.3366/hpls.2016.0131.

⁷⁵² Richard, "Bedouin Rights, Bedouin Representations: Dynamics Of Representation In The Naqab Bedouin Advocacy Industry", 97-124.

which views Bedouin as nomadic people who have no territorial rights.⁷⁵³ The issue of their rights has been securitised because their very existence and their presence in the territory has been deemed to put the security of Israel at risk (or for state benefit). Accordingly, the use of the internationalisation strategy is unavoidable form of resistance. To examine these issues, I will begin with a brief overview of the literature on Bedouins, and the 'unrecognised' Bedouin villages in Northern Israel. Then, in the second part, the issues are analysed in greater detail.

5.2 Bedouin in Israel

The term 'Bedouin' refers to a subgroup of Arab people who are seasonally nomadic and whose behaviour is connected to climatic variations in arid desert regions.⁷⁵⁴ They relied on cultivating sheep and farming for sustenance and they were also nomadic traders. Political and geographical divisions brought about by foreign powers,⁷⁵⁵ followed by the establishment of the State of Israel have contributed significantly to the disruption of the Bedouin's life style and the loss of their traditional farming and agricultural habitats.⁷⁵⁶ Many Bedouins were compelled to settle in modern towns and cities and this happened at such a fast pace that adjustment was not without its difficulty. However, a minority of Bedouins clung to their traditional way of life and remained nomadic refusing to become urbanised Israel. The process of the settlements of the two groups (those in the Negev and those in the North) were quite different. In Galilee in the North the land was more fertile and sedentarisation happened much earlier than in the Negev desert in the South.⁷⁵⁷

Since the creation of the State of Israel a significant number of Bedouin volunteered to join the Israel Defence Forces (IDF) in the belief that this would

⁷⁵³ Ben H, "Thousands Protest Praver Plan In Global "Day Of Rage"", *Palestinemonitor.Org*, 2013, <http://www.palestinemonitor.org/details.php?id=6w8fu5a5753yc0roxdd7x>.

⁷⁵⁴ Deborah F Shmueli and Rassem Khamaisi, *Israel's Invisible Negev Bedouin [Recurso Electrónico]* (New York: Dordrecht and London, 2015).

⁷⁵⁵ Muhammad Youssef Suwæd, "The Bedouins In The Galilee In The War Of Independence Of Israel 1948–1950", *Middle Eastern Studies* 53, no. 2 (2016): 297–313, doi:10.1080/00263206.2016.1240677.

⁷⁵⁶ Ghazi Falah, "The Facts And Fictions Of Judaization Policy And Its Impact On The Majority Arab Population In Galilee", *Political Geography Quarterly* 10, no. 3 (1991): 297–316, doi:10.1016/0260-9827(91)90041-r.

⁷⁵⁷ Ghazi Falah, "How Israel Controls The Bedouin In Israel", *Journal Of Palestine Studies* 14, no. 2 (1985): 35–51, doi:10.1525/jps.1985.14.2.00p0126b.

ingratiate them with their Jewish neighbours. This involved Bedouin being in the front-line action on behalf the State of Israel. However, their belief that joining the armed forces of Israel would place them in the main stream of new state proved to be misguided as the Bedouin remained even more underprivileged a group than the rest of the Arab population which had not joined the IDF. Also, even though just a small percentage of the population is involved in terror or security activities against Israel,⁷⁵⁸ their issue has been securitised. After more than half a century as citizens of Israel, they remain illegal invaders and a threat to the vision of Zionism.⁷⁵⁹

Generally speaking, Bedouin in Israel form a sub-group of the Arab-Muslim minority and they face the same political challenges. Yet, they have their own distinctive culture and history, which influences the nature of their land disputes with the Israeli State and which manifests itself in the 'unrecognised' villages. The issue of the 'unrecognised' villages is discussed in the following section.

As of 2017, it is estimated the Bedouin population in Israel numbering approximately 300,000 persons and accounted for 16 per cent of the Muslim community.⁷⁶⁰ There are two distinct and geographically separate regions in which the Bedouin are mainly concentrated: in the Galilee region in the North, and in the Negev in the South. It is estimated that in Israel today there are about 400,000 Bedouin citizens. According to unofficial data, about 300,000 live in the Negev,⁷⁶¹ accounting for about one-third of the population in that region (of them about 100,00 live in unrecognised villages), some other 70,000 live in the Northern district (3000 of them still live in unrecognised settlements), and some 10,000 Bedouin who live in the Central area of Israel.⁷⁶²

⁷⁵⁸ Lior Akerman, "Analysis: Fear Of A Beduin Intifada In The Negev", *The Jerusalem Post*, 2017, <https://www.jpost.com/Israel-News/Analysis-Fear-of-a-Beduin-intifada-in-the-Negev-478938>.

⁷⁵⁹ Akerman, "Analysis: Fear Of A Beduin Intifada In The Negev".

⁷⁶⁰ Dov Chernichovsky et al., "The Health Of The Arab Israeli Population: A Chapter From The State Of The Nation Report 2017", *Taubcenter.Org.II*, 2017, http://taubcenter.org.il/wp-content/files_mf/healthoftheArabIsraeliPopulation.pdf.

⁷⁶¹ Yaakov Sitruk Dahan, "'The Bedouin Population In The Negev Doubles Every 15 Years'", *Sheva*, 2018, <https://sheva7.co.il/news/112048/>.

⁷⁶² "Negev Bedouin", *Inter-Agency Task Force*, accessed 20 October 2018, <http://www.iataskforce.org/issues/view/2>.

5.3 'Unrecognised' Bedouin Villages in Israel

There is a lack of clarity surrounding the term 'unrecognised' villages and their exact number. An 'unrecognised' village as defined in the state documents is a community whose existence is not recognised by the state within whose territory it is located. As a result, the unrecognised villages and hamlets exist in a legal vacuum as they are not considered to have legal status and they are not governed by a local or regional authority.⁷⁶³ This results in the denial of the right to the basic services that would be provided by a local authority, which would be elected by to represent the people of those villages.⁷⁶⁴ For example, the names of these villages do not appear on the state maps nor are they signposted. Furthermore, they are not eligible for roads, construction or repairs. They also lack the essential services normally expected in a modern country including water and electricity supply, provision of public transport, refuse collection, health services and means of communication.⁷⁶⁵

By branding them 'illegal', it is impossible for residents to acquire building permits. Generally speaking, unrecognised villages do not have many inhabitants, geographically located in distant locations, and are designated as either agriculture or state's lands.⁷⁶⁶ This situation leaves residents in constant precarity, facing demolition and homelessness at any point. Planning permission to build houses is not available only tent dwelling is permitted. Attempts to erect buildings are met by heavy penalties and demolition.⁷⁶⁷ Today, most 'unrecognised' Bedouin villages are concentrated mainly in the Negev in the Southern region of Israel, and are a major concern. However, many them existed until the 1990s in the Northern region and the position of Bedouins in this region will be examined in the following section.

⁷⁶³ Nur Masalha, *Catastrophe Remembered: Palestine, Israel, and The Internal Refugees* (New York: Zed Books LTD, 2005).

⁷⁶⁴ Masalha, *Catastrophe Remembered: Palestine, Israel, and The Internal Refugees*.

⁷⁶⁵ Ghazi Falah, "Israelization Of Palestine Human Geography", *Progress In Human Geography* 13, no. 4 (1989): 535-550, doi:10.1177/030913258901300404.

⁷⁶⁶ Ephraim Yaar and Zeev Shavit, *Trends In Israeli Society* (Tel Aviv: The Open University, 2001, 2001).

⁷⁶⁷ Oren Yiftachel, "Ethnocratic Policies And Indigenous Resistance: Bedouin Arabs And The Israeli Settler State", *Holy Land Studies* 1, no. 2 (2003): 161-191, doi:10.3366/hls.2003.0002.

5.4 'Unrecognised' Bedouin villages in Northern Israel

Prior to 1948, Bedouin people in Northern Israel were settled in their own private homes and land. Following the creation of the State of Israel in 1948 and the ensuing war, many of these Bedouin abandoned their homes but returned once the war had ended.⁷⁶⁸ However, on their return, their former homes were no longer formally recognised as their property, and they had no right to resettle. Their only option was to settle on lands near their former homes but these settlements had no legal recognition nor were they part of the government's urban planning provision.⁷⁶⁹ Such resettlements were deemed to be illegal by the National Planning and Building Law (1965),⁷⁷⁰ which declared the land on which they had resettled to be categorised as non-residential and the property of the state. Section 157 of that law also prevented utility companies providing water and electricity services to any illegal dwellings.⁷⁷¹ It is believed that this section of the law was drafted with the clear intention of hindering the displaced Bedouin from resettling on land adjacent to their original homes for the sake of Jewish expansion.⁷⁷²

During the 1970s, the government had been consistently declining applications from the 'unrecognised' villages for approval for planning permission and provision of services. In 1981 there was an amendment to the Building and Planning Law, which permitted some relaxation to the law of 1965 by authorising the Local Planning and Building Commission to exercise some discretion in individual cases based on local circumstances. This meant that Bedouin citizens could request to be connected to all the basic services; however, most of such requests were refused.⁷⁷³ This amendment was made to convey some degree of flexibility on the part of the authorities towards the

⁷⁶⁸ Hatim Kanaaneh, Fiona McKay and Emily Sims, "A Human Rights Approach For Access To Clean Drinking Water: A Case Study", *Health And Human Rights* 1, no. 2 (1995): 190, doi:10.2307/4065214.

⁷⁶⁹ Kanaaneh, McKay, and Sims, "A Human Rights Approach For Access To Clean Drinking Water: A Case Study".

⁷⁷⁰ "Planning And Building Law - 1965", *Mfa.Gov.II*, accessed 19 October 2018,

<http://mfa.gov.il/MFA/PressRoom/1998/Pages/Planning%20and%20Building%20Law-%201965.aspx>.

⁷⁷¹ "Supreme Court Sustains Demolition Order For Mosque In Husseniya - Adalah", *Adalah.Org*, 2001, <https://www.adalah.org/en/content/view/6092>.

⁷⁷² E Cotran and C Mallat, *Yearbook Of Islamic And Middle Eastern Law* (London: Kluwer Law International, 2000).

⁷⁷³ Hatim Kanaaneh, Fiona McKay and Emily Sims, "A Human Rights Approach For Access To Clean Drinking Water: A Case Study", *Health And Human Rights* 1, no. 2 (1995): 190, doi:10.2307/4065214.

Bedouin people but in practice amounted to little more than a token of appeasement.

One request that was of paramount importance was the provision of potable water and refuse collection in the 'unrecognised' Bedouin villages in Northern Israel. While similar issues faced the larger population of the Negev in the South (see 5.4), this issue is the focus of the first of the case studies (see 5.3), which exemplifies the main thrust of internationalisation during 1992.

5.5 The lack of potable water in the 'unrecognised' Bedouin Villages in Northern Israel in 1992

This case study consists of the five phases of the spiral model and forms a structure for the analysis of the case.

Repression (first phase).

While the 1990s is often perceived an era in which minority rights triumphed with a emancipation of the Eastern countries of the Soviet Union, elsewhere the picture different particularly as there were still 'unrecognised' villages in Israel that had no connections for potable water and other essential services. The Arab Bedouin population in Northern and Central Israel were approximately 15000 spreads across some 70 communities, which up to the early 1990s, were unrecognised by the Israeli state.⁷⁷⁴ Most of these Bedouin citizens had settled in this region prior to 1948.

As previously discussed, it was already prohibited by law that dwellings in 'unrecognised' villages should be served by the National Water Company, but after 1981 the government became more oppressive by denying these populations access to even a single communal water outlet.⁷⁷⁵ One of these 'unrecognised' villages in Northern Israel, which was denied access to potable water, was Husseinyeh. Its citizens suffered from serious ill health conditions

⁷⁷⁴ Kanaaneh, McKay and Sims, "A Human Rights Approach For Access To Clean Drinking Water: A Case Study", 91.

⁷⁷⁵ Kanaaneh, McKay and Sims, "A Human Rights Approach For Access To Clean Drinking Water: A Case Study", 91.

due to unhygienic drinking water and lack of provision for the safe disposal of sewage from homes, which had inadequate lavatory systems. Without a proper water supply it was impossible to dispose a faecal waste in an acceptably hygienic way. Although an alternative would have been the building of pit latrines, which did not require flushing water, it was against the law to install any such system in Husseinyeh. The village did have a well but its water had become polluted by sewage overflow from a nearby Jewish settlements. During the rainy season, it was possible to collect and store rain water in rooftop containers. However, in the dry season water had to be bought from a nearby Kibbutz and transported by tractor or donkey.

During the 1990s, the Bedouin citizens of the 'unrecognised' villages did not have access to sufficient supplies of water, which met the minimum standards of hygiene set by the World Health Organization. Due to shortage of portable water and unhygienic lavatory systems, there were many outbreaks of illnesses so 1989 there was an outbreak of hepatitis A in Husseinyeh, and in another village, with 21 cases of children under seven years of age being reported. Five of these were rushed to hospital and there was one fatality.⁷⁷⁶ These illnesses and the death of the child are incongruent with a modern state, which has the duty to safeguard the health of its citizens.

The situation in the 'unrecognised' Bedouin villages in Northern Israel was a violation of the provisions of international conventions that have been signed and ratified by Israel, which includes equality of esteem and opportunity in accordance with human dignity. Several international conventions make it a duty of the state to protect the wellbeing and health of all its citizens by ensuring that proper provision is in place to appropriately discharge this duty.⁷⁷⁷ It is noted that many clauses in international treaties refer to the right to water, including and especially the rights of Children to water and to an adequate standard of living.⁷⁷⁸ These include: Article 25 of the International Declaration of

⁷⁷⁶ Kanaaneh, McKay and Ely Sims, "A Human Rights Approach For Access To Clean Drinking Water: A Case Study", *Health And Human Rights* 1, no. 2 (1995): 190, doi:10.2307/4065214.

⁷⁷⁷ "Convention On The Rights Of The Child", *Ohchr.Org*, 1989, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

⁷⁷⁸ *Adalah.Org*, accessed 21 October 2018, <https://www.adalah.org/uploads/oldfiles/Public/file/3586p.pdf>.

Human Rights (1948).⁷⁷⁹ Article 12 of the International Covenant on Economic, Social and Cultural Rights (1966),⁷⁸⁰ the 1972 Stockholm Declaration on the Human Environment,⁷⁸¹ Article 8 of the UN General Assembly Declaration on the Right to Development (1986),⁷⁸² and Articles 6 and 24 of the Convention on the Rights of the Child (1989).⁷⁸³

Clearly these Covenants and Declarations affirm the right to life and health of all individuals, and imply that any civilised state should ensure that its citizens have access to potable water and to sanitary systems of waste disposal. In the light of these international conventions, Israel is obliged to fulfil its duties equally towards all its citizens. It has failed to meet its obligations to protect the wellbeing of all its citizens, and is thus seriously in breach of human rights standards.

Domestic blockage.

In the aftermath of the incidence of hepatitis A illness in 1989, representatives of the citizens of the 'unrecognised' villages approached the Ministries of Health and the Interior to inform them of the tragic events, and to request that an investigation should be conducted to establish the cause of the death and illnesses so that future outbreaks could be avoided. However, the authorities were not prepared to take any action. There was no possibility of the community having legal recourse for a number of reasons. Firstly, the cost of taking domestic legal action was prohibitive. Secondly, the community representatives were, in any case, distrustful of authorities based on previous experience of inaction arising from the nature of the Building and Planning Law.⁷⁸⁴

⁷⁷⁹ "The Universal Declaration Of Human Rights", *Claiminghumanrights.Org*, 1948, http://www.claiminghumanrights.org/udhr_article_25.html.

⁷⁸⁰ "International Covenant On Economic, Social And Cultural Rights", *Ohchr.Org*, 1966, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

⁷⁸¹ "Declaration Of The United Nations Conference On The Human Environment - A/CONF.48/14/Rev.1 Chapter I - UN Documents: Gathering A Body Of Global Agreements", *Un-Documents.Net*, 1972, <http://www.un-documents.net/unchedec.htm>.

⁷⁸² "Declaration On The Right To Development", *Un.Org*, 1986, <http://www.un.org/documents/ga/res/41/a41r128.htm>.

⁷⁸³ "Convention On The Rights Of The Child", *Ohchr.Org*, 1989, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

⁷⁸⁴ "Planning And Building Law - 1965", *Mfa.Gov.II*, accessed 19 October 2018, <http://mfa.gov.il/MFA/PressRoom/1998/Pages/Planning%20and%20Building%20Law-%201965.aspx>.

Attempted internationalisation.

Two years after the Hepatitis A incident, in October 1991,⁷⁸⁵ a petition against the Israeli Ministry of Agriculture and the Ministry of the Interior⁷⁸⁶ was submitted on behalf of al- Husseinyeh citizens to the International Water Tribunal (IWT) in Hague.⁷⁸⁷ The Galilee Society (GS) submitted this petition. It was an Arab national organisation, was a non-governmental organisation, which was created in 1981, the same year that Israeli government legislation permitted the formation of such groups (Association Law). It was a leading non-partisan Arab National Society for Health, Research and Services (R.A.), which established in Israel by four healthcare professionals in 1981.⁷⁸⁸ Also it was particularly interested in health and environmental issues pertaining to the Bedouin Arab citizens. From the viewpoint of the different Israeli governments, the GS was seen the pillar of the Monitoring Committee for health matters, that is, one of the components of the established leadership of Israeli Arabs.⁷⁸⁹ The GS accused the Israeli Government of failing to provide clean potable water of acceptable quality and quantity to several 'unrecognised' Bedouin villages,⁷⁹⁰ and from connecting them to the national drinking water network.⁷⁹¹

Although IWT was designed to deal with cases in developing countries, and Israel is widely considered a developed country, living conditions in the 'unrecognised' villages were deemed sufficiently under-developed to qualify for standing, and the petition was accepted.⁷⁹² The mere fact that the plea was accepted is an illustration of the 'boomerang effect',⁷⁹³ the model, which preceded the spiral model and was an element in its early development. It exists in cases in which domestic actors who were 'blocked' from expressing

⁷⁸⁵ Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259.

⁷⁸⁶ *Adalah.Org*, accessed 21 October 2018, <https://www.adalah.org/uploads/oldfiles/Public/file/3586p.pdf>.

⁷⁸⁷ Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259.

⁷⁸⁸ "The Galilee Society", *Gal-Soc.Org*, accessed 6 November 2018, <http://www.gal-soc.org/category/7/About-the-Galilee-Society>.

⁷⁸⁹ Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259.

⁷⁹⁰ Shany Payes, *Palestinian NGOs In Israel* (London: I.b. tauris, 2005); Joseph Ginat, Edw ard J Perkins and Edw in G Corr, *The Middle East Peace Process: Vision Versus Reality* (Brighton: Sussex Academic Press, 2002).

⁷⁹¹ Hatim Kanaaneh, Fiona McKay and Emily Sims, "A Human Rights Approach For Access To Clean Drinking Water: A Case Study", *Health And Human Rights* 1, no. 2 (1995): 190, doi:10.2307/4065214.

⁷⁹² Kanaaneh, Fiona McKay and Emily Sims, "A Human Rights Approach For Access To Clean Drinking Water: A Case Study", 190.

⁷⁹³ Margaret Keck E., "Transnational Advocacy Network In International Politics: Introduction", in *Activists Beyond Borders: Advocacy Network In International Politics* (Ithaca, NY: Cornell University Press, 1998), 1-38.

their claims domestically by their states succeeded to mobilise an international ally to pressure their government to change its behaviour.⁷⁹⁴ Effectively this means that the 'boomerang effect' is highly congruent with the notion of internationalisation.

This phenomenon is described in the 'boomerang effect' (the precursor of the spiral model) as 'domestic blockage'. In other words, the community felt that any domestic avenue of redress for their problems would be futile, and they would have to look elsewhere for support. In such circumstances, the spiral model intimates that citizens who are blocked in their efforts to resolve problems at local level tend to search for help in the international arena.⁷⁹⁵ However, local communities in such circumstances are frequently powerless and are highly likely to need the assistance of some group with professional expertise to advance their cause.

TANs.

There was in existence now a local advocacy group called The Galilee Society (GS). The members of the GS acted as a Litigation Team for Residents (LTR) of the 'unrecognised' villages, and their work was to a large extent like those in Transnational Action Networks (TAN). This society has been operating in the North where it had a department from which a mobile clinic was managed to provide medical services to the citizens of the 'unrecognised' villages. The mobile clinic offered inoculation amenities for children and carried out checks on the general health and welfare of the Bedouin children in the 'unrecognised'. The importance of the work of the GS in providing mobile health care is highlighted by the fact that 'unrecognised' villages did not have any healthcare facilities.⁷⁹⁶

The GS team consisted of four members; a medical doctor, who managed the mobile clinic for four 'unrecognised' villages, which include Husseinyeh, a

⁷⁹⁴ Hatim Kanaaneh, Fiona McKay and Emily Sims, "A Human Rights Approach For Access To Clean Drinking Water: A Case Study", *Health And Human Rights* 1, no. 2 (1995): 190, doi:10.2307/4065214.

⁷⁹⁵ Margaret Keck E., "Transnational Advocacy Network In International Politics: Introduction", in *Activists Beyond Borders: Advocacy Network In International Politics* (Ithaca, NY: Cornell University Press, 1998), 1-38.

⁷⁹⁶ Hatim Kanaaneh, Fiona McKay and Emily Sims, "A Human Rights Approach For Access To Clean Drinking Water: A Case Study", *Health And Human Rights* 1, no. 2 (1995): 190, doi:10.2307/4065214.

nurse, a human rights attorney and an engineer with an environmental expertise. Thus, it was a well-rounded team who worked together for the welfare of the community. This team became more involved in the Husseinyeh incident and explored the underlying causes of the hepatitis A outbreak. The team decided to draw on the strength of their network, which constituted a TAN for them and through the network received the support of a British lawyer. This lawyer carried out the preliminary preparation for legal action under human rights for access to water, which was fit for human consumption. Documents were prepared in English for the International Water Tribunal (IWT) and a strategy was adopted for putting forward the case. This involved research in two current water regulations in Israel to show how the Israeli government was failing to comply with not only with international law but even with its own domestic standards.⁷⁹⁷

The GS had a pivotal role to play in the case preparation. The medical doctor had first considered the merit of seeking legal recourse through the IWT. The British based lawyer required the cooperation of the doctor and nurse in compiling and evaluating relevant information to move the case forward. This involved work over some twelve-months, which culminated in a complete account of Husseinyeh health data being sent to the British lawyer. In addition, the environment specialist prepared a quantitative and qualitative analysis of Husseinyeh's water supply.

Following the spiral model, this case study now moves to second phase where the denial of the oppressive state can be examined.

Denial (Second phase).

The denial phase in this case study took the form of justification. Instead of denying the accusations outright, Israel tried to justify its conduct. Normally, denial takes the form of the oppressive state refusing to recognise the legitimacy of an international body to intervene in its own domestic affairs.

⁷⁹⁷ Kanaaneh, McKay and Emily Sims, "A Human Rights Approach For Access To Clean Drinking Water: A Case Study", 190.

However, in this particular case the denial phase does not fully adhere to this classical reaction. In effect Israel appeared to tacitly accept the legitimacy of IWT. Its denial consisted not of calling into question the right of the IWT to pass a judgment in this case, but rather to rely on a cleverly constructed defence, which amounted to an outright denial of the accusations made against it. Thus, unlike many other states that did not respond to plaintiffs' case against them,⁷⁹⁸ the Israeli government actually attended the tribunal and was surprisingly represented by an Israeli Arab lawyer.⁷⁹⁹ Thus, although 'denial' more frequently involves resisting the legitimacy of an international body to intervene in domestic affairs, the originators of the spiral model still acknowledged that 'denial' can take the form of a counter argument as a powerful rhetorical strategy to challenge the case against them. However, the authors did not provide a theoretical exposition of this form of denial,⁸⁰⁰ and this represents a possible line a future modification for the spiral model.

Denial is a more plausible line of defence in the face of political pressure, but not if an international convention has been violated where there are accepted mechanisms to adjudicate competing claims. For this reason, Israel referred to other forms of denial that justified its repression by claiming an exceptional necessity to counter illegal settlements. The basis of Israel's refusal to supply water to a group of its citizens was those citizens did not have the right of residence in the first place. This was a difficult argument for Israel to maintain given that the illegality merely amounted to a violation of planning laws, which does not rise to the level of legitimating the denial of human rights. On the other hand, it could be argued that Israeli settlements in Palestinian areas were equally illegal under international law because the settled areas were not part of the recognised territory of the state of Israel.

Yet, despite choosing to appear at the tribunal as a respondent, and despite being shamed in an international forum Israel has failed to comply with the

⁷⁹⁸ Shany Payes, *Palestinian Ngos In Israel* (London: I.b. tauris, 2005)

⁷⁹⁹ Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259

⁸⁰⁰ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights: From Commitment To Compliance* (New York: Cambridge University Press, 2013), 35.

judgement.⁸⁰¹ In effect, the government's defence based on the illegal starters of people who were 'unrecognised' gained some leverage and arguably resulted in a less punitive judgment. Additionally, the ploy of engaging an Israeli Arab as their representative on the tribunal is likely to have added some credibility to their case.⁸⁰²

Internationalisation.

It is reported in the academic literature that Bedouin plaintiff won the tribunal's support as the jury of experts charged that they were not being provided clean drinking water.⁸⁰³ Accordingly, in February 19, 1992, The International Tribunal in Amsterdam found that the government of Israel had violated international law, including the Universal Declaration of Human Rights,⁸⁰⁴ and the Stockholm Declaration on the Human Environment of 1972.⁸⁰⁵ The IWT stated that it was the duty of the state to connect the villages to the national water network, and that the 1965 Planning and Building Law⁸⁰⁶ should not be relied upon to prevent their connection villages, since they existed not only before the law but also before the establishment of the State of Israel. The tribunal also referred the health risk of not connecting these villages to the national water network.⁸⁰⁷ Accordingly, the IWT declared that the Israeli government's policy was illegal, and that it should accord with the request of the villagers for drinking water, and connect them to the national network:

"5. The populations of the said communities, or a majority thereof, were already settled and/or owned the land prior to the creation of the state of Israel in 1948 and the Planning and Building law of 1965 as later ammended in 1981. The impact of this law has initiated a process of displacement of populations and disruption of their cultures.

⁸⁰¹ Tawfiq S Rangwala, "Inadequate Housing, Israel, And The Bedouin Of The Negev", *Osgoode Hall Law Journal* 42, no. 3 (2004): 415-472.

⁸⁰² Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259.

⁸⁰³ Shany Payes, *Palestinian NGOs In Israel* (London: I.B. Tauris, 2005); Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259; Ginat, Perkins and Corr 2002; Hussein Abu Hussein and Fiona McKay, *Access Denied: Palestinian Land Rights In Israel* (London: Zed Books, 2003).

⁸⁰⁴ "United Nations Universal Declaration Of Human Rights 1948", *Jus.Uio.No*, 1948, <https://www.jus.uio.no/im/en/pdf/un.universal.declaration.of.human.rights.1948.portrait.letter.pdf>.

⁸⁰⁵ "Declaration Of The United Nations Conference On The Human Environment - A/CONF.48/14/Rev.1 Chapter I - UN Documents: Gathering A Body Of Global Agreements", *Un-Documents.Net*, 1972, <http://www.un-documents.net/unchedec.htm>.

⁸⁰⁶ "Planning And Building Law - 1965", *Mfa.Gov.II*, accessed 19 October 2018,

<http://mfa.gov.il/MFA/PressRoom/1998/Pages/Planning%20and%20Building%20Law-%201965.aspx>.

⁸⁰⁷ *Adalah.Org*, accessed 21 October 2018, <https://www.adalah.org/uploads/oldfiles/Public/file/3586p.pdf>.

6. *The jury is unable to countenance any governmental action which uses the denial of water as a means of enforcing zoning or planning.*

7. *These policies have a negative effect on the health of the populations in the 'unrecognized villages'.*

8. *The jury deplores this denial of water of sufficient quality and quantity and recommends that the Israeli government:*

*i. use the discretionary powers which the Planning and Building Law offers and forthwith connect the villages concerned to the national water network...'*⁸⁰⁸

In finding against the State of Israel on grounds of infringement of basic human rights demonstrates the power of the application of internationally recognised standards of behaviour on the part of the state in exposing and shaming a state, which is in violation of these standards. These developments meet Henkin's definitions of the 'internationalisation of rights', which is the very hallmark of the 'boomerang effect': 'recognition that the treatment of citizens in one country has become the cause of concern in other countries....',⁸⁰⁹ and that 'the process of internationalised human rights occurs by transforming matters that had previously been subject to exclusive domestic jurisdiction 'sovereignty' into matters of international concern, putting them permanently in the international political agenda, and providing the foundation for a sturdy edifice of international norms and institutions.'⁸¹⁰

The IWT was a channel of influence that empowered the GA, which in turn succeeded in influencing Israeli government policy; the profile of the society was considerably enhanced in aftermath of the tribunal's decision in February 1992.⁸¹¹ It is most likely motivated the Europe Community (EC) ambassador, Mr. Gavin Morgan to personally pay a visitation to the offices of the GA a few months after the tribunal's decision. Morgan was scathing in his criticism of the Israeli government's failure to discharge its responsibilities towards the Bedouin community. In any case he announced that the EC would consider providing

⁸⁰⁸ *Adalah.Org*, accessed 21 October 2018, <https://www.adalah.org/uploads/oldfiles/Public/file/3586p.pdf>.

⁸⁰⁹ Louis Henkin, "The Internationalization Of Human Rights", in *Human Rights: A Symposium, Proceeding Of General Education Seminar (Columbia)*, 6, no. 1 (1977): 15-16.

⁸¹⁰ Louis Henkin, "Human Rights: Ideology And Aspiration, Reality And Prospect", in *Realizing Human Rights: Moving From Inspiration To Impact* (New York: ST Martin's Press, 2000), 3-37.

⁸¹¹ Payes Payes, *Palestinian NGOs In Israel* (London: I.b. tauris, 2005).

further financial assistance to the society regardless of whether this would be viewed as a political act.⁸¹²

In fact, the GA had in the previous year been granted \$300,000 from the EC to aid its operations. The GA had risen in prominence in the international arena largely due to the recognition of the oppression of the Palestinian Arabs at the end of the First Intifada (outrage). Highlighting the plight of the Palestinians had the knock on effect of shifting the spotlight towards other Arabs such as the Bedouins in Galilee. However, from the Israeli Jewish perspective, these were instances where Arab Israelis were receiving political and financial support in the international arena based on the manipulation of human rights conventions.⁸¹³ Such an opinion is yet another aspect of denial even having had a judgment which was unfavourable to the Israeli government.

The form that internationalisation took in this case had both legal and political components. One aspect was the mere that a legal process was initiated to compel the Israeli states to fulfil the obligations that it had assumed by acceding to an international convention. This is in principle a compelling form of internationalisation because an adverse legal judgement may compel the state to change its behaviour. As far as the political dimension is concerned, an adverse judgement also has political consequences as it highlights the contradictions between the norms the state claims to adhere to and its practices. However, also the GS received political support from the European Commission that was another aspect of the process of internationalisation.

Tactical concession (third phase).

A few months following the IWT decision that the government should connect the villagers to the national network, the Israeli authorities announced their intention to supply each of the 'unrecognised' communities with one main water

⁸¹² Alexander Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", *Middle Eastern Studies* 35, no. 1 (1999): 134-164, doi:10.1080/00263209908701259.

⁸¹³ Bligh, "The intifada and The New Political Role Of The Israeli Arab Leadership", 134-164.

point.⁸¹⁴ A few months later, the majority of the 'unrecognised' communities had been partially connected.⁸¹⁵ However, the serious issue of sewage disposal was not addressed and no effort appears to have been made to provide for sewage disposal despite the obvious threat that this presented to the well being of the community. Of even greater significance is the fact that the real issue of the alleged illegal status of the people of these 'unrecognised' villages remained unresolved.⁸¹⁶ What this amounts to is that the Israeli government made a tactical concession, without fully accepting the core of the complaint against it and continued to resist to the extent possible the demands from the inhabitants of the 'unrecognised' villages.

Prescriptive status (Fourth phase).

Following hot on the heels of the decision of the IWT in February 1992, Israel began the process of enshrining some aspects of international human rights within their own laws. Accordingly, Israel's status of having human rights norms incorporated into its domestic law following the GS petition would place it in phase four of the model that refers to the socialisation mechanisms identified by turning international law into domestic practices.⁸¹⁷ Although Israel had previously ratified human rights treaties as early as the 1960s, it was only in 1992 that it began to incorporate human rights norms into its domestic law. For example, Israel's Basic Law: Human Dignity and Liberty was enacted in March 1992 and its article 2 states 'there shall be no violation of the life, body or dignity of any person as such'.⁸¹⁸

This appears to be an attempt to guarantee to all citizens basic human rights, which would include the right to water of acceptable quantity and quality and protection from infectious diseases. However, the use of the phrase 'any person as such' is curious and is open to wide interpretation. It also characterised by

⁸¹⁴ Hussein Abu Hussein and Fiona McKay, *Access Denied: Palestinian Land Rights In Israel* (London: Zed Books, 2003).

⁸¹⁵ Shany Payes, *Palestinian Ngos In Israel* (London: I.b. tauris, 2005).

⁸¹⁶ Hatim Kanaaneh, Fiona McKay and Emily Sims, "A Human Rights Approach For Access To Clean Drinking Water: A Case Study", *Health And Human Rights* 1, no. 2 (1995): 190, doi:10.2307/4065214.

⁸¹⁷ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights* (UK: Cambridge University Press, 2013).

⁸¹⁸ "Basic Law : Human Dignity And Liberty", *Knesset.Gov.II*, 1992, https://www.knesset.gov.il/laws/special/eng/basic3_eng.htm.

the negative way in which it is framed i.e. the avoidance of violation rather than the positive affirmation of a right. This negative way of framing a law mirrors the negative way in which many international conventions have been framed so that the emphasis is on the avoidance of some undesirable behaviour rather than a more positive affirmation of a right.

The Basic Law: Human Dignity and Freedom (1992)⁸¹⁹ has the status of being 'superior to normal legislation' as if it had 'constitutional force'. Israel, like many other countries relies on common law and does not have a written constitution. However, some laws are Basic Laws, which implies that they are 'entrenched' and can only be amended by an absolute majority in the Knesset.⁸²⁰ The following year (1993) Israel ratified the Vienna Declaration and Programme of Action,⁸²¹ which ruled that all human rights were universal. This meant at least tacit approval for the enshrining of universal human rights into Israeli domestic law. This has all the hallmarks of prescriptive status stage of the spiral model. A further manifestation of the prescriptive status stage was the National Health Insurance Law (NHIL) in 1995,⁸²² which extended health services to 30% of the Bedouin citizens who had previously had no entitlement. Thus, citizens who had to rely on the GS mobile medical service now entitled to all the health services provided by state.⁸²³

Rule-consistent behavior (Fifth phase).

The final phase of the spiral model happens when there is clear evidence that what has been prescriptive is now becoming a reality on the ground. Simply stated the fifth phase begins when what has been written begins to take effect. There is evidence that rule-consistent behaviour has been taking place recently although this phase must be considered as still on-going in part of Bedouin settlements in the Galilee region. Regarding recognition of the previously illegal

⁸¹⁹ "Basic Law : Human Dignity And Liberty", *Knesset.Gov.II*, 1992, https://www.knesset.gov.il/laws/special/eng/basic3_eng.htm.

⁸²⁰ Shimon Shetreet and Walter Homolka, *Jewish And Israeli Law - An Introduction* (Berlin: De Gruyter, 2017).

⁸²¹ "Vienna Declaration And Programme Of Action", *Ohchr.Org*, 1993, <https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>.

⁸²² "National Health Insurance", *Mfa.Gov.II*, 1995, <http://www.mfa.gov.il/mfa/mfa-archive/1990-1995/pages/national%20health%20insurance.aspx>.

⁸²³ Dr. Yosef Ben-David, "The Bedouin In Israel", *Jewishvirtuallibrary.Org*, 2016, <https://www.jewishvirtuallibrary.org/the-bedouin-in-israel#health>.

settlements, in the mid-1990s, the Left- centre government of Rabin granted recognition to most of the villages in the Galilee,⁸²⁴ which was seen as a hopeful sign that Bedouins would eventually enjoy parity of esteem with their Jewish Israeli counterparts.

It is possible however to argue that the link between internationalisation the water cause and the eventual recognition of the 'unrecognised' Bedouin villages is weak. This is because the 1990s witnessed several events that one might look at their combination as an effective formula for internationalisation. For example, the literature acknowledges the intensive local advocacy of other Arab NGOs such as the 'Association of Forty', which consisted of representation of the unrecognised villages, and its prominent role in the struggle for achieving a political recognition for the villages such as Ein-Hud.⁸²⁵ Secondly, changing in the Likud right wing government and the raise of Rabin Left- Centre one that initiated peace process enduring the early 1990s, and signed of the interim agreements known as the Oslo Accords, resulted in decreasing the tension between Jews and Arab citizens in Israel.⁸²⁶ Notably, the peace process and the spirit of reconciliation, allowed for greater tolerance towards the Arab citizens.

As of 2017, there are approximately 70,000 Bedouin living in the Galilee area in North of Israel.⁸²⁷ Many of those Bedouin in the Galilee are now living in about 15 villages, which are recognised by the state. However, there still remain some 3,000 Bedouin citizens who are living in five different 'unrecognised' settlements in that area.⁸²⁸ In addition, following the success of the struggle to legitimise the 'unrecognised' villages in the North, a parallel struggle began to the 'unrecognised' villages in the Negev. Furthermore, the success of the struggle for the unrecognised Bedouin settlements in Northern Israel still is not achieved in relation to those in Southern Israel as will be shown in the next case study.

⁸²⁴ "Bedouins In The State Of Israel", *Knesset.Gov.II*, accessed 20 October 2018, https://www.knesset.gov.il/lexicon/eng/beduim_eng.htm.

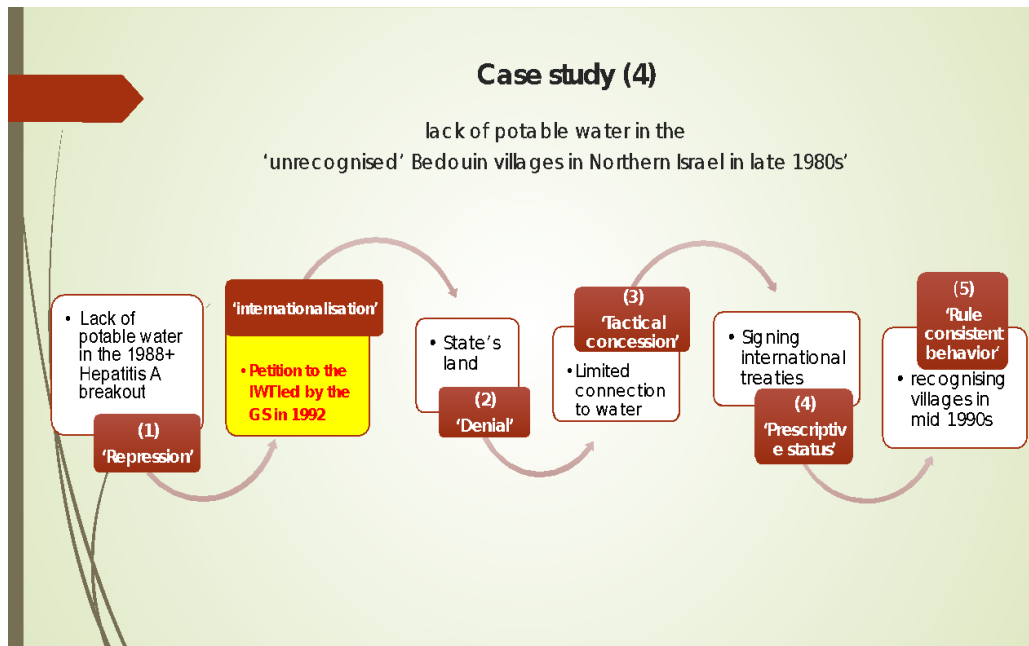
⁸²⁵ Alexander Bligh, *The Israeli Palestinians: An Arab Minority In The Jewish State* (London: Frank Cass, 2003), 293.

⁸²⁶ "Protest Among Israeli Arabs - Characteristics, Reasons, And Trends", *Maarachot*, 2014, 78.

⁸²⁷ "Negev Bedouin", *Inter-Agency Task Force*, accessed 20 October 2018, <http://www.iataskforce.org/issues/view/2>.

⁸²⁸ Or Keshte and Noa Spiegel, "The Unrecognised We Did Not Know : Also In The North, Thousands Live In Unregulated Settlements", *Haaretz*, 2017, <https://www.haaretz.co.il/premium-MAGAZINE-1.4087924>; "Citizens Without An Address: Unregulated Settlement Of Bedouin In The Galilee", *Dugrinet.Co.II*, 2016, <http://dugrinet.co.il/node/17993>.

Figure 4: The case study of the ‘unrecognised’ Bedouin Villages in Northern Israel in 1992 on the spiral model



5.6 Implications

The initial presenting problem representing oppression was the denial of the right to water of sufficient quantity and quality. This masked the more fundamental problem of the recognition of the citizens living in ‘unrecognised’ settlements. By applying the spiral model to the events of the Galilee region it has been possible to understand the role of the internationalisation process in moving from a situation of repression through to eventual recognition of human rights, which is evident in the changed behaviour of the state toward the ‘unrecognised’ Bedouin villages in Northern Israel.

This case was different from other cases previously discussed. Unlike the three previous case studies presented in the previous Chapter, where the internationalisation process instigated by written memorandums, the GA turned to the IWT, an international regulatory institution, which is in charge of legal accountability. Put differently, the GA used the international law in its modality of legal advocacy as a mechanism of internationalisation to compel the Israeli state to adhere to the commitments it had made by acceding to an international convention. Ratifying the treaty gave Israel political benefits by underscoring its

obligations to human rights. However, it also provided a mechanism whereby Israel could be compelled to make good on this commitment in practice. This is more effective than mere political pressure.

What is most striking in this case, is the fact that a small group of four Arab members of a domestic NGO with limited funds and credibility won the case. They used the internationalisation as a tool to rally their opposition towards the government policy and succeeded to a large extent to influence the Israeli domestic policy, with some help from transnational actors (e.g. the British lawyer). In this case, the internationalisation mechanism succeeded to generate a soft power exchange. This occurred with combination of other various factors that contributed to the success of the petition. The first factor is an opportune time when access to water was a prominent international issue; a global consensus that access to water is a fundamental human right; the World Health Organisation (WHO) had already designated the 1980s as a 'Decade of Clean Water Supply and Sanitation', and had a target of promoting clean water supply universally by 2000.⁸²⁹ Thus, at the time of the GA tribunal there was a consciousness of access to potable water as fundamental human rights. The second factor was the fall of the Eastern European countries of the Soviet block and the restoration of minority rights at the international level, which led to a general global discourse on ethnic and national minority rights. This would have raised awareness at international level of the plight of the Bedouin minority in Galilee. The third factor involved the commitment of individual nations to be seen to abide by international law. In Israel this inspired the enactment of the Associations Law domestic law (passed in 1980), which permitted the formation of civil activist association such as GA. As has been shown, the existence of the GA was essential for raising the Bedouin case to the international level and lent substantial support to the IWT intervention on the conditions of Israel's Arab minority. A final factor was the relative vulnerability of the Israeli state to be affected by the IWT judgment. As Keck and Sikkink (1997) assert that in order for a networking to successful, the target state must somehow be susceptible to

⁸²⁹ "Global Water Supply And Sanitation Assessment 2000 Report", *Who.Int*, 2000, http://www.who.int/water_sanitation_health/monitoring/jmp2000.pdf.

being influenced by a judgment in an international forum.⁸³⁰ The fact that Israel had previously ratified a number of human rights treaties meant that this could be held to account if they were found to be in violation of any of these treaties. This can explain the success of the GA that was committed to aiding the campaign of Israel's Bedouin citizens to meet some of their human rights needs.

5.7 The Prawer-Begin Plan in Southern Israel (2011-2013)

5.7.1 Introduction

Two decades after the water case in the 'unrecognised' villages in Northern Israel, a large part of the Bedouin citizens in the in the Negev (Naqab) area, in Southern Israel, were still struggling to obtain basic rights including the mere recognition of their existence. At the core of the problem is that the Bedouin's conception of their identity and rights was not and still is not accepted by the state of Israel. Most Jews believe that most of the land was arid, uncultivated, unplanned and unallocated and therefore must be seen including state land in every respect. As for land expropriation, the prevailing perception is that there is to expropriate private land for development purposes also from Jews, and that public needs serve the people the entire population, including the Arab population as well.⁸³¹ Thus, in contrast with the Bedouins of Galilee whose internationalisation problem focused on water supply, in this case it was land rights, which was the immediate issue. The issue of their rights has been indirectly securitised because their very existence and their presence in the territory has been deemed to put the security of Israel at risk.

This part seeks to consider the 'Prawer-Plan', which was created in 2011 to regulate thirty-five 'unrecognised' Bedouin villages in the Negev desert area in Southern Israel. This plan involved the enforced relocation of the residents of these villages. The resistance of these citizens to the 'Prawer-plan' entailed the internationalisation of the problem, which renders it amenable to analysis by

⁸³⁰ Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998).

⁸³¹ Yitzhak Reiter, "The Land Issues, Chapter 5 [In Hebrew]", *Abraham Fund*, 2009, <https://www.abrahamfund.org/5544>.

means of 'Civil' and 'law-based' models. It begins with a brief overview of the literature on the Bedouins in the 'unrecognised' villages in Southern Israel. The second part examines in greater detail the applicability of the five stages of the spiral model.

5.7.2 Bedouin in the 'unrecognised' Bedouin villages Southern Israel

In the south of Israel lies a semiarid region known as the Negev desert. The region is vast in area and comprises 60% of the total area of Israel.⁸³² The northern part is most fertile region of the Negev accounting for some 640,000 acres. It is suitable for irrigation, and has therefore been considered a target for settlement as part of the Zionist project.⁸³³ According to David Ben-Gurion:

*'Negev land is reserved for Jewish citizens, whenever and where ever they want ... we must expel Arabs and take their places ... and if we have to use force, then we have force at our disposal not to dispossess the Arabs of the Negev, and transfer them, but to guarantee our right to settle in those places.'*⁸³⁴

Before the establishment of the state of Israel in 1948, it is estimated that between 65,000 and 90,000 Bedouin lived in the Negev region,⁸³⁵ in an area covering about 12,000 sq. km in the Negev.⁸³⁶ In the aftermath of the war of Independence in 1948, between 80 and 85 per cent of the Negev Bedouin were forced to relocate as refugees to the neighbouring Arab countries such as the West Bank, Jordan and the Gaza Strip.⁸³⁷

⁸³² Deborah F Shmueli and Rassem Khamaisi, *Israel's Invisible Negev Bedouin [Recurso Electrónico]* (New York: Dordrecht and London, 2015).

⁸³³ Ismael Abu-Saad, "Retelling The History: The Indigenous Palestinian Bedouin In Israel", *Alternative: An International Journal Of Indigenous Peoples* 1, no. 1 (2005): 25-47, doi:10.1177/117718010500100103.

⁸³⁴ Abu-Saad, "Retelling The History: The Indigenous Palestinian Bedouin In Israel, 5.

⁸³⁵ Ghazi Falah, "Israelization Of Palestine Human Geography", *Progress In Human Geography* 13, no. 4 (1989): 535-550, doi:10.1177/030913258901300404.

⁸³⁶ Sarab Abu-Rabia-Queder, Avigail Morris and Heather Ryan, "The Economy Of Survival: Bedouin Women In Unrecognized Villages", *Journal Of Arid Environments* 149 (2018): 80-88, doi:10.1016/j.jaridenv.2017.07.008.

⁸³⁷ Ghazi Falah, "Israelization Of Palestine Human Geography", *Progress In Human Geography* 13, no. 4 (1989): 535-550, doi:10.1177/030913258901300404.

The Bedouin population lost about 90% of its pre-1948 land as a result of judicial and legislative moves.⁸³⁸ A mere 11,000 Bedouin continued to live in the region but were eventually compelled to move, in the 1950s and 1960s, to a restricted region consisting of 1000 sq. km in the north-eastern Negev, known as the Siyag and to leave behind land that they considered had been their fatherland for many generations. The Siyag region represented a mere 10 per cent of the land they had inhabited prior to 1948, and was generally considered to be the least fertile area of the Negev.⁸³⁹ Generally these Bedouin were tent dwellers due to the fact that they were prohibited by law from erecting any permanent.⁸⁴⁰

The north-eastern of the Negev is considered as a strategic area. Israel is separated from Palestinian territories by a green line, which represents the armistice settlement of 1967. Ten per cent of this region forms the north-eastern Negev and is strategically region as it serves as buffer zone between Tel-Aviv and certain facilities, which include the nuclear plant at Dimona and some military bases. It is a border region, which includes some Bedouin settlements at Hebron hills in the south, and is adjacent to Jordan and the Egyptian-Israeli border.⁸⁴¹

Up to 1966, the Bedouin living in Siyag were subjected to Military Government and had no access to education or employment. Yet again, towards the end of the 1960s Bedouin of the Siyag region were resettled into seven government towns designated by the government, and this was justified on the pretence of modernisation. Modernisation however did not extend to the provision of amenities such as public transportation, telephone lines, sewage systems, banks or post offices. Accordingly, these residents were viewed as being of the lowest social class.⁸⁴²

The government so called modernisation strategy was only partially achieved as half of the Bedouin refuse to be relocated into the townships and were still in the

⁸³⁸ Ghazi Falah, "Israeli State Policy Toward Bedouin Sedentarization In The Negev", *Journal Of Palestine Studies* 18, no. 2 (1989): 71-91, doi:10.1525/jps.1989.18.2.00p00773.

⁸³⁹ Sarab Abu-Rabia-Queeder, Avigail Morris and Heather Ryan, "The Economy Of Survival: Bedouin Women In Unrecognized Villages", *Journal Of Arid Environments* 149 (2018): 80-88, doi:10.1016/j.jaridenv.2017.07.008.

⁸⁴⁰ *The Indigenous Bedouins Of The Naqab-Negev Desert In Israel* (Omer: Negev Coexistence Forum For Civil Equality, 2006).

⁸⁴¹ Uzi Rebhun and Chaim I Waxman, *The Social Scientific Study Of Jewry* (Oxford: Oxford University Press, 2014).

⁸⁴² Oren Yiftachel, "Critical Theory And 'Gray Space': Mobilization Of The Colonized", *City* 13, no. 2-3 (2009): 246-263, doi:10.1080/13604810902982227.

Negev region three decades later.⁸⁴³ As of 2017 it is estimated that about 300,000 Bedouin live in seven recognised Bedouin towns and villages, and another 100,000 citizens live in illegal settlements, such as shacks (most of them use solar electricity),⁸⁴⁴ live in thirty-five so-called 'unrecognised' villages.⁸⁴⁵

This Zionist version of history, which insisted that the Negev was empty and uninhabited, was instrumental in facilitating the enactment of numerous laws and regulations of land confiscation.⁸⁴⁶ Due to the policies of 'Judaising the land', the Palestinian Bedouin's attempts to win recognition for their historical land rights through the Israeli justice system have been unsuccessful. The court offers no protection for their lands.⁸⁴⁷ Over the years, Bedouins citizens submitted some 3,200 legal claims to their expropriated lands, based on the traditional Ottoman or British records that attest to their past holdings. However, not even one Arab claimant has been awarded full ownership rights. Ninety-five per cent of Arab claims to land have not been settled, covering approximately 800,000 dunams.⁸⁴⁸

The Negev Bedouin being compelled to relocate also involves the loss of their traditional occupations and they are coerced into the Israeli workforce for their economic survival.⁸⁴⁹ They represent a particularly disadvantage group and are generally excluded from participation in the political economy.⁸⁵⁰ They are among the poorest in Israel with an average per capita income, which is only fifty per cent of that of Israel's Arab community, and only twenty-two per cent of the national average. Unemployment rate among Negev Bedouin lies at fifty per cent and only twenty-four per cent of Bedouin women have jobs compared with

⁸⁴³ Oren Yiftachel, "Ethnocratic Policies And Indigenous Resistance: Bedouin in Arabs And The Israeli Settler State", *Holy Land Studies* 1, no. 2 (2003): 161-191, doi:10.3366/hls.2003.0002.

⁸⁴⁴ Yaakov Sitruk Dahan, "'The Bedouin Population In The Negev Doubles Every 15 Years'", *Sheva*, 2018, <https://sheva7.co.il/news/112048/>.

⁸⁴⁵ "Equality In Transportation And Education In The Unrecognized Villages In The Negev", *Sikkuy*, accessed 19 October 2018, <http://www.sikkuy.org.il/departments>.

⁸⁴⁶ "The Unrecognized Bedouin Villages In The Negev - Facts And Figures", *Acri.Org.II*, 2013, <https://www.acri.org.il/he/29287>.

⁸⁴⁷ Ismael Abu-Saad, "Retelling The History: The Indigenous Palestinian Bedouin In Israel", *Alternative: An International Journal Of Indigenous Peoples* 1, no. 1 (2005): 25-47, doi:10.1177/117718010500100103.

⁸⁴⁸ Yiftachel, O. (2003), "Bedouin-Arabs and the Israeli settler state: Land policies and indigenous resistance" in D. Champagne and I. Abu-Saad (eds.), *The Future of Indigenous Peoples: Strategies for Survival and Development*. Los Angeles: American Indian Studies Center, UCLA. (Mana Commission 1997)"

⁸⁴⁹ Ismael Abu-Saad, "Access To Higher Education And Its Socio-Economic Impact Among Bedouin Arabs In Southern Israel", *International Journal Of Educational Research* 76 (2016): 96-103, doi:10.1016/j.ijer.2015.06.001.

⁸⁵⁰ Abu-Saad, "Access To Higher Education And Its Socio-Economic Impact Among Bedouin Arabs In Southern Israel".

eighty per cent of Israeli women in the Negev and seventy-four of Israeli women countrywide.⁸⁵¹ Some seventy per cent of Bedouin children live in poverty. Despite the dire economic situation of the Bedouin, their population growth rate is one of the highest in the world at five per cent per annum.⁸⁵² The Bedouin is very much tilted towards the younger age group with sixty-per cent of the total population being the age of nineteen.⁸⁵³

The issue of the 'unrecognised' Bedouin villages in Southern Israel and the resolution of the Bedouin citizens' land claims and economic development in the country's Negev region have received increased attention in recent years both from the media and from government institutions and became pressing issue that Arab citizens are facing in Israel.

5.7.3 The application of the spiral model on the 'Prawer-Plan'

First phase: repression

In September 2011, the Israeli government approved the Prawer Plan, the brainchild of former Deputy Chair of the National Security Council, Mr. Ehud Prawer.⁸⁵⁴ The plan seeks to implement the recommendations of a committee headed by Justice Eliezer Goldberg in 2008, which found that a grave injustice had been done to the Bedouin, which should be corrected by legalising as many of the 'unrecognised' communities as possible.⁸⁵⁵ The main aim was to resolve the on-going intractable settlement issue concerning the Bedouin 'unrecognised' villages by relocating tens of thousands of Bedouin from 'unrecognised' villages into communities with official status.⁸⁵⁶ According to the plan, a law would be drafted whereby Bedouin who could prove they owned

⁸⁵¹ "Development Of The Negev Bedouin Settlement", 2017.

<http://www.economy.gov.il/Publications/PressReleases/Pages/2017-0045-543.aspx>.

⁸⁵² "MJB Data Snapshot: The Bedouin In The Negev", *Brookdale.Jdc.Org.II*, 2017, <http://brookdale.jdc.org.il/wp-content/uploads/2018/01/MJB-Data-Snapshot-The-Bedouin-in-Israel-May-2017-FINAL.pdf>.

⁸⁵³ "Negev Bedouin", *Inter-Agency Task Force*, accessed 20 October 2018, <http://www.iataskforce.org/issues/view/2>.

⁸⁵⁴ "Demolition And Eviction Of Bedouin Citizens Of Israel In The Naqab (Negev) - The Prawer Plan - Adalah", *Adalah.Org*, accessed 31 August 2018, <https://www.adalah.org/en/content/view/7589>.

⁸⁵⁵ Aviad Glickman, "Report: State Should Recognize Bedouin Villages", *Ynetnews.Com*, 2008, <https://www.ynetnews.com/articles/0,7340,L-3637006,00.html>.

⁸⁵⁶ Jack Khoury, Zafir Rinat and Oz Rezenberg, "Cabinet Approves Plan To Relocate Negev Bedouin", *Haaretz.Com*, 2011, <https://www.haaretz.com/1.5170639>.

land until 1979 would receive alternative land in exchange for the land that was transferred to the state. Others would receive monetary compensation.⁸⁵⁷

This plan was condemned as racist by many who opposed it. The main objection to the 'Praver Begin law' was the absence of a genuine consultation, which listened to the voice of the Bedouin people and treated them with respect. It is argued that the Plan's legal framework is racist since it is applying only to Bedouin, thus it violates the principle of equality before the law. Also, there were critics in relation to the compensation offered for the lands to be confiscated, which is half of the value.⁸⁵⁸

It can also be argued that the plan constituted a violation of the legal rights guaranteed by Israel's Basic Law including the Bedouin people to ownership of their lands, self-esteem and rights to housing and freedom to choose where to live.⁸⁵⁹ The Plan has been said to involve violations of human rights under international law, violates the prohibition against discrimination stipulated in article 2(2) of the International Covenant on Economic, Social and Cultural Rights,⁸⁶⁰ and Israel's obligations as a signatory of the International Covenant to Eliminate All Forms of Racial Discrimination.⁸⁶¹

Like the 'Galilee Development Plan' that was suggested in 1975 in relation to the Galilee area, the 'Praver-plan' shows that nothing has changed in the state policy. The Palestinian Bedouin citizens are still fighting against the same policy of Judaisation/ de-Arabisation of space.⁸⁶² According to estimations, the 'Praver- plan' would displace about 30,000-40,000 Bedouin citizens to populate their evacuated land with Jewish settlers, and use it for military purposes. The result of this plan would mean the concentration of the Bedouin citizens who

⁸⁵⁷ Jack Khoury, Zafir Rinat and Oz Rezenberg, "Cabinet Approves Plan To Relocate Negev Bedouin", *Haaretz.Com*, 2011, <https://www.haaretz.com/1.5170639>.

⁸⁵⁸ "Demolition And Eviction Of Bedouin Citizens Of Israel In The Naqab (Negev) - The Praver Plan - Adalah", *Adalah.Org*, accessed 31 August 2018, <https://www.adalah.org/en/content/view/7589>.

⁸⁵⁹ "Demolition And Eviction Of Bedouin Citizens Of Israel In The Naqab (Negev) - The Praver Plan - Adalah", *Adalah.Org*, accessed 31 August 2018, <https://www.adalah.org/en/content/view/7589>.

⁸⁶⁰ Ohchr (1966) International Covenant on Economic, Social and Cultural Rights. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>. (Accessed: 2 May 2017).

⁸⁶¹ Amnesty International. "Israel: Demolitions of Bedouin homes in the Negev desert must end immediately" Press release (18 July 2013). <https://www.amnesty.org/en/press-releases/2013/07/israel-demolitions-bedouin-homes-negev-desert-must-end-immediately-2013-07/>

⁸⁶² Oren Yiftachel, "Ethnocracy": The Politics Of Judaizing Israel/Palestine", *Constellations* 6, no. 3 (1999): 364-390, doi:10.1111/1467-8675.00151.

make up about third of overall population of the Negev in one per cent of the total area of the Negev.⁸⁶³

Accordingly, Adalah, the legal organisation advocating on behalf of the Arab minority in Israel described the plan as 'a declaration of war on the Bedouin in the Negev'.⁸⁶⁴ Another example is the protest from the Institute of Middle East Understanding, which asserted in reference to the plan 'If passed into law, it could result in the largest displacement of Palestinian citizens of Israel since the 1950s'.⁸⁶⁵ Former Bedouin MK, Talab al-Sana condemned the plan as another 'Nakba' [disaster] for the whole Bedouin population'. In using the term 'Nakba' he was invoking the Arabic term, which had been used to depict the 1948 War.⁸⁶⁶

Attempted internationalisation of the 'Praver-plan'

Adalah Legal Centre spent several months in intensive international advocacy with other TANS. The centre adopted two strategies of internationalisation, one at international level and the other at local level. First, Adalah conducted consultation in June 2012 with the MEP's Working Group on the Middle East in Strasbourg and a further briefing of the Euro-Mediterranean Human Rights Network (EMHRN) in Brussels.⁸⁶⁷ Second, on 24 October 2012, as part of the wider 'Stop Praver' Campaign, Adalah conducted a tour of the 'unrecognised' Bedouin villages in the Negev for foreign diplomats to acquaint them with the conditions of the Arab Bedouin citizens in the region and to inform them of the potentially devastating effects of the Praver Plan. This was a high-level tour that involved a number of key officials from European and Latin American embassies in Israel. ⁸⁶⁸

⁸⁶³ "What Is The Praver Plan?", *Europarl.Europa.Eu*, accessed 31 August 2018, http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/132_adalahbedouin_/132_adalahbedouin_en.pdf.

⁸⁶⁴ Jack Khoury, Zafir Rinat and Oz Rezenberg, "Cabinet Approves Plan To Relocate Negev Bedouin", *Haaretz.Com*, 2011, <https://www.haaretz.com/1.5170639>.

⁸⁶⁵ Ben H, "Thousands Protest Praver Plan In Global 'Day Of Rage'", *Palestinemonitor.Org*, 2013, <http://www.palestinemonitor.org/details.php?id=6w8fu5a5753yc0roxdd7x>.

⁸⁶⁶ Jack Khoury, Zafir Rinat and Oz Rezenberg, "Cabinet Approves Plan To Relocate Negev Bedouin", *Haaretz.Com*, 2011, <https://www.haaretz.com/1.5170639>.

⁸⁶⁷ "Ngos And The Negev Bedouin Issue In The Context Of Political Warfare - Analysis Of NGO Activity, 2010-2013", *Ngo-Monitor.Org*, 2013, https://www.ngo-monitor.org/data/images/File/NGO_Monitor-Bedouin_Report_English-Nov13.pdf.

⁸⁶⁸ "Adalah Leads Foreign Diplomat Tour Of Arab Bedouin Unrecognized Villages In The Naqab, As Part Of - Adalah", *Adalah.Org*, 2012, <https://www.adalah.org/en/content/view/7859>.

The events described in the previous section have all contributed to internationalise the issue of the 'unrecognised' villages. Indeed, the key player in that process was Adalah because it took the principle steps in bringing the issue in the international arena by briefing the EP and also by inviting foreign diplomats to visit the Negev 'unrecognised' villages. However, Adalah's moves were accompanied by broad condemnations and actions carried by another NGOs and networks.⁸⁶⁹ For example, on the national level, there were numerous local protests in various parts of Israel, which caught the eye of international media. The most significant of these were the various demonstrations held by 'Alhirak al-Shababe' (The Youth Movement), a newly formed organisation of young Bedouin Arabs, which had quickly grown in popular support sufficient to attract the attention of international media reporters. It mainly drew support from young people who had become disaffected with other traditional types of leaders, political, religious and tribal, who had been challenging the government's policies of exclusion but without much success over the years.⁸⁷⁰ 'Al-hirak al-Shababe' also drew support and inspiration from the 'Arab Spring', which helped to highlight their grievances not only in other Arab countries but also in Europe and beyond.

Some left-wing activists also supported mass demonstrations, which marched under the banner of catchy slogans such as 'Days of Rage'. In the political arena Arab MKs strongly opposed the 'Prawer-Plan' and in unprecedented move they deliberately tore up draft copies of the plan and poured water on the drafts in an active protest in the Knesset.⁸⁷¹ Many of these Arab MKs, believing that the 'Prawer-Plan' was an extension of the Israeli government's conspiracy to alienate more and more Bedouin land, actually took to the streets to lend their support to the young protesters. This move was condemned by the right wing MKs accused Arab MKs of inciting their people and misleading them by politicising the 'Prawer-Plan' and erroneously linking it to the on-going wider Palestinian issue in order to magnify its significance.

⁸⁶⁹ "NGOs And The Negev Bedouin Issue In The Context Of Political Warfare - Analysis Of NGO Activity, 2010-2013", *Ngo-Monitor.Org*, 2013, https://www.ngo-monitor.org/data/images/File/NGO_Monitor-Bedouin_Report_English-Nov13.pdf.

⁸⁷⁰ Mansour Nasasra, *The Naqab Bedouins: A Century Of Politics And Resistance* (Columbia University Press, 2017).

⁸⁷¹ "The First Reading Was Approved: "The Prawer Plan" For The Regulation Of Bedouin Settlement In The Negev", *M.Knesset.Gov.II*, 2013, <https://m.knesset.gov.il/News/PressReleases/pages/press24613g.aspx>.

The plight of the Negev Bedouin also received attention in the Israeli media. Prominent Canadian writers of international renown such as Margaret Atwood and Yann Martel signed their names to an appeal campaigning against the plan to forcibly evict the Bedouin in the Negev.⁸⁷² The fact that Canadian writers of international acclaim took this action did not go unnoticed by other prominent writers on the international scene. These moves produced the 'boomerang effect' by provoking immediate and intense criticism on the international level.

Internationalisation.

International groups including many public figures and civil society organisations outside Israel as well as the United Nations expressed their opposition to the 'Prawer-Plan', and echoed the calls of the Bedouin community, who demanded a meaningful consultation and participation in the decision-making process that could determine their futures. Human Rights Watch and Amnesty International also denounced the Plan. Amnesty International was forthright in condemning the plan and saw it as a major setback to Bedouin rights to have housing drawing attention to Israel's commitments to HR to which it was a signatory at international level.⁸⁷³

Criticism of the 'Prawer-Plan' also came from The United Nations, which drew attention to its discriminatory nature.⁸⁷⁴ In February 2012, Raquel Rolnik, the UN Special Rapporteur on the Right to Adequate Housing characterised the 'Prawer Plan' as the 'new frontiers of dispossession of traditional inhabitants, and the implementation of a strategy of Judaisation and control of the territory.'⁸⁷⁵ Further UN condemnation came in March 2012 when the UN Committee on the Elimination of Racial Discrimination (CERD) demanded that Israel should not proceed with their proposed program, which was seen as

⁸⁷² Maya Sela, "Margaret Atwood, Yann Martel Urge Israel Against Relocating Palestinians, Bedouin", *Haaretz.Com*, 2013, <https://www.haaretz.com/premium-canadian-writers-urge-israel-not-to-move-arabs-1.5297889>.

⁸⁷³ Jack Khoury, Zafir Rinat and Oz Rezenberg, "Cabinet Approves Plan To Relocate Negev Bedouin", *Haaretz.Com*, 2011, <https://www.haaretz.com/1.5170639>.

⁸⁷⁴ Jillian Kestler-D'Amons, "Israel's Bedouin Battle Displacement", *Aljazeera.Com*, 2013, <https://www.aljazeera.com/indepth/features/2013/08/2013828125945288209.html> (Accessed at: 8 February 2017).

⁸⁷⁵ "UN Human Rights Expert Calls For Urgent Revision Of Israeli Housing Policies", *UN News*, 2012, <https://news.un.org/en/story/2012/02/403062-un-human-rights-expert-calls-urgent-revision-israeli-housing-policies>.

discriminatory and racist in its approach.⁸⁷⁶ It was not the first time that the UN expressed its solidarity with the Bedouin citizens of Israel.⁸⁷⁷

The European Union (EU) also raised concerns on several occasions. The principal issue of contention was the fact that there was no forum in which the Bedouin people could be consulted and given a voice in matters that affected their lives and communities.⁸⁷⁸ This was a clear example of 'domestic blockage' where the oppressed people have no recourse internally. On 5 July 2012, a resolution was brought to a vote by the Group of the Progressive Alliance of Socialists & Democrats in the EP, which passed a historic resolution (291 to 274, with 39 abstentions) and in the context of strong condemnation of Israeli policies in the East Jerusalem and West Bank, also condemned moves by the Israeli government to implement the 'Praver-Plan':

*'The European Parliament Calls for the protection of the Bedouin communities of the West Bank and in the Negev, and for their rights to be fully respected by the Israeli authorities, and condemns any violations (e.g. house demolitions, forced displacements, public service limitations); calls also, in this context, for the withdrawal of the Praver Plan by the Israeli Government'*⁸⁷⁹

The Bedouin cause had never previously received attention from the EP. Now that it had been raised in the international arena drew comment from Dr. Thabet Abu Rass who was the Director of Adalah's Negev bureau: 'achieving recognition by the European Parliament that the Israeli government practices the same policies of displacement and dispossession against Palestinian citizens of Israel as it does against Palestinians living under occupation is a tremendous step forward'.⁸⁸⁰

⁸⁷⁶ Jack Khoury, "European Parliament Condemns Israel's Policy Toward Bedouin Population", *Haaretz.Com*, 2012, <https://www.haaretz.com/european-parliament-condemns-israel-s-bedouin-policy-1.5265139>.

⁸⁷⁷ UN Human Rights Committee 2010 (CCPR/C/ISR/CO/3): 'The State party should respect the Bedouin population's right to their ancestral land and their traditional livelihood based on agriculture'. UN Committee on Economic, Social and Cultural Rights 2011 (E/C.12/ISR/CO/3): 'The State party [should] officially regulate the unrecognised villages, cease the demolition of buildings in those villages, and ensure the enjoyment of the right to adequate housing'.

⁸⁷⁸ "European Parliament Calls For Withdrawal Of Praver Plan, Linking Forced Displacement Of Arab - Adalah", *Adalah.Org*, 2012, <https://www.adalah.org/en/content/view/7812>. Nakhala (2012)

⁸⁷⁹ "EU Policy On The West Bank And East Jerusalem", *Europarl.Europa.Eu*, 2012, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0298+0+DOC+XML+V0//EN&language=EN>.

⁸⁸⁰ Jack Khouri, "EU Condemns Israel's Policy On Bedouin Population - Architects And Planners For Justice In Palestine", *Apjp.Org*, 2012, <http://apjp.org/eu-condemns-israels-policy-on/>.

Perhaps the most striking aspect of the internationalisation of the Negev Bedouin situation was that as far away as Canada, their plight prompted over 70 influential novelists poets and academics to denounce the Israeli 'Prawer-Plan' in a signed an open letter to their own government and to the Israeli government.⁸⁸¹ By this action they were lending support to the appeal signed by the renowned Israeli authors Grossman, Oz and Yehoshua.

Denial (Second phase).

As in the Galilean water case study, denial in this context also did not follow the classical lines but rather came in the form of a partial admission followed by an attempt at 'utilitarian justification'.

Since its promulgation, the 'Prawer-Plan' operated under the guise of 'modernising' the Bedouin community by 'urbanising' them. The Israeli government's reaction to criticism on such a grand scale was to attempt to claim that the plan was part of a campaign to develop the Negev, and that it aimed to 'modernise' the Bedouin communities and that Bedouin communities would benefit from it.⁸⁸² Prime Minister Binyamin Netanyahu claims that:

*'the plan was aimed at ending the 65-year-long situation in which the state had given up control of land settled by semi-nomadic Bedouin tribes. It would also "put an end to the spread of illegal building by Negev Bedouin and lead to better integration of the Bedouin into Israeli society'.*⁸⁸³

Israeli army Major-General Doron Almog was appointed by the Israeli Prime Minister's office to head the issue of resettlement and economic development for the Negev Bedouin citizens said:

'The idea is to better integrate Jews and Bedouins; to bring many more Bedouins to our workforce; to employ and educate many more women

⁸⁸¹ Philip Weiss, "Margaret Atwood Signs On To Canadian Letter Opposing Palestinian Evictions", *Mondoweiss*, 2013, <https://mondoweiss.net/2013/07/margaret-atwood-signs-on-to-canadian-letter-opposing-palestinian-evictions/>.

⁸⁸² Jillian Kestler-D'Amons, "Israel's Bedouin Battle Displacement", *Aljazeera.Com*, 2013, <https://www.aljazeera.com/indepth/features/2013/08/2013828125945288209.html> (Accessed at: 8 February 2017).

⁸⁸³ Lazar Berman, "Government Shelves Prawer Plan On Bedouin Settlement", *Timesofisrael.Com*, 2013, <https://www.timesofisrael.com/government-shelves-prawer-plan-on-bedouin-settlement/>.

*for employment; and to build new communities; and to expand some of the current communities and make them modern*⁸⁸⁴

The official line of justification for relocating the Bedouin people into towns was that the Israeli government wanted to integrate them into a modern lifestyle in which they would have better conditions and services. However, some academic writers take the view that there was a hidden agenda to constrain the Bedouin by impeding them from agricultural development on land that they could then claim. Additionally, by urbanising the Bedouin the government would have more control over them.⁸⁸⁵ Such an agenda has all the hallmarks of 'utilitarian justification'.

Tactical concessions (third phase).

In response to the wide spread criticism of the 'Prawer-Plan' but still maintaining their position of denial, the Israeli government did make a semblance of a concession by involving the Bedouin in consultative sessions. Accordingly, MK Benny Begin held talks with representatives of the Negev Bedouin community and listened to their concerns. As a result of these talks minor changes of a cosmetic nature were made to the plan but in essence it was still intended to begin moving the Bedouin citizens. The modified plan now became known as the 'Prawer- Begin Plan'. The minor changes included moderating the language used and offering small sums of money by way of compensation for those who were willing to move.⁸⁸⁶ Essentially, this was a compromise with very little by way of concession to the Bedouin but which was couched in rhetoric which pretended to formulate the plan as an attempt to help the Bedouin to move forward a catch up with the rest of Israeli society which had left them behind by modernising.

⁸⁸⁴ Jillian Kestler-D'Amons, "Israel's Bedouin Battle Displacement", Aljazeera.Com, 2013, <https://www.aljazeera.com/indepth/features/2013/08/2013828125945288209.html>.

⁸⁸⁵ Ghazi Falah, "Israelization Of Palestine Human Geography", *Progress In Human Geography* 13, no. 4 (1989): 535-550, doi:10.1177/030913258901300404.

⁸⁸⁶ "The Government Approved Slight Changes In The Prawer Plan To Uproot The Bedouin From Their Land", *Adalah*.Org, 2013, <https://www.adalah.org/he/content/view/4399>.

According to Begin, the development of the Bedouin people needed to be formally stated in the new bill. This formalisation had the appearance of recognising that the Bedouin did have some land rights but that these rights had to be tempered by 'reality'. This meant that they were limits to the recognition of their land rights as the greater good of the overall community required the building Highway across the Negev and this would necessitate the imposition of some limits to their land rights. Additionally, Jewish settlements were necessary as outlined in the District Master Plan for the Beersheba Region. This plan needed to be respected and should take precedence over the rights of the Bedouin.⁸⁸⁷ As well as this, national security called for the appropriation of some Negev territory for military installations. There was also certain development, which required land in the Negev for the economic benefit of the nation.

Thus, the land rights of the Bedouin would have to yield to what was required for the good of the entire nation 'utilitarian justification' taken to its very limits. Accordingly, on 6 May 2013, the Ministerial Committee on Legislation approved the proposed 'Law for the Regulation of Bedouin Settlement in the Negev – 2013' ('the Praver-Begin Bill') after recommendations by Minister Benny Begin were included.⁸⁸⁸ Later, on 24 June 2013, the Knesset approved the 'Praver-Begin Bill' with a slim majority of 43 votes for and 40 votes against.⁸⁸⁹ It was supposed to receive second and third readings in the coming months. When the 'Begin-Praver Plan' passed a first Knesset vote in June 2013, it met again with heated local protest and international condemnation. The European Union (EU) expressed again its concerns regarding passing the Plan in first reading in the Knesset. At the European Coordination Committee for Palestine, the 'Praver- Begin Bill' was condemned on grounds of racist discrimination.⁸⁹⁰ Israel was urged to reveal the bill by the United Nations High Commissioner for Human Rights Navi Pillay who was highly critical of a plan that would lend

⁸⁸⁷ Sharri Plonski, "Material Footprints: The Struggle For Borders By Bedouin-Palestinians In Israel", *A Radical Journal Of Geography*, 2018, 1-27, <https://onlinelibrary.wiley.com/doi/full/10.1111/anti.12388>.

⁸⁸⁸ Shlomo Piotrkow sky, "The Ministerial Committee Approved The Regulation Of Bedouin Settlement Law", *INN*, 2013, <https://www.inn.co.il/News/News.aspx/255515>. [in Hebrew]

⁸⁸⁹ "The First Reading Was Approved: "The Praver Plan" For The Regulation Of Bedouin Settlement In The Negev", *M.Knesset.Gov.II*, 2013, <https://m.knesset.gov.il/News/PressReleases/pages/press24613g.aspx>. [in Hebrew]; Eric Bender, "The Law Regulating Bedouin Settlement Passed On First Reading", *NRG*, 2013, <https://www.makorrishon.co.il/nrg/online/1/ART2/483/687.html>. [in Hebrew]

⁸⁹⁰ "Discriminatory Praver Plan To Evict Tens Of Thousands Of Bedouins From Their Communities In The Negev - Ireland Palestine Solidarity Campaign", *Ireland Palestine Solidarity Campaign*, accessed 20 October 2018, <http://www.ipsc.ie/statements/discriminatory-praver-plan-to-evict-tens-of-thousands-of-bedouins-from-their-communities-in-the-negev>.

legitimacy to the relocation of the Bedouin people and the and their deprivation of lands that were their ancestor rights:

*'if this bill becomes law...it will accelerate the demolition of entire Bedouin communities, forcing them to give up their homes, denying them their rights to land ownership, and decimating their traditional cultural and social life in the name of development'*⁸⁹¹

Pillay also recognised that the consultation efforts had been purely token in nature and urged for the resumption of talks that showed more genuine 'respect for the legitimate rights of minorities is a fundamental tenet of democracy'.⁸⁹² Furthermore, in November 2013, over than fifty public figures including Antony Gormley and Brian Eno from Britain signed a letter against the proposed removal of the Bedouin people from their historic land.⁸⁹³

Tactical concession (Second-time).

The new 'Prawer-Begin bill' for regulating Bedouin settlement in the Negev was supposed to pass second and third readings in the Knesset session during 2013. Nonetheless, on December 2013 the Former Minister Benny Begin announced that he was taking the bill of the Knesset agenda.⁸⁹⁴ Even though it was still not clear whether it has been temporarily delayed or shelved altogether, the withdrawal of the 'Prawer-Plan bill' was considered a significant achievement in the history of the Palestinian community in Israel. As Adalah stated in a press release that the cancellation of the bill:

*'shows that popular action, legal advocacy and international pressure can succeed in defending the rights of 70,000 Arab Bedouin residents of the unrecognised villages in the Negev to live with freedom and dignity on their lands and in their villages'.*⁸⁹⁵

⁸⁹¹ "Pillay Urges Israel To Reconsider Proposed Bill That Will Displace Tens Of Thousands Of Bedouin", *Newsarchive.Ohchr.Org*, 2013,

<https://new.sarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13577&LangID=E>.

⁸⁹² "Pillay Urges Israel To Reconsider Proposed Bill That Will Displace Tens Of Thousands Of Bedouin", *Newsarchive.Ohchr.Org*, 2013,

<https://new.sarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13577&LangID=E>.

⁸⁹³ Harriet Sherwood, "Demolition And Eviction Of Bedouin Citizens Of Israel In The Naqab (Negev) - The Prawer Plan - Adalah", *Theguardian*, 2013, <https://www.theguardian.com/profile/harrietsherwood>.

⁸⁹⁴ Lazar Berman, "Government Shelves Prawer Plan On Bedouin Settlement", *Timesofisrael.Com*, 2013, <https://www.timesofisrael.com/government-shelves-prawer-plan-on-bedouin-settlement/>.

⁸⁹⁵ "Adalah: The Government'S Decision To Cancel The Prawer Plan Bill Is A Major Achievement - Adalah", *Adalah.Org*, 2013, <https://www.adalah.org/en/content/view/8228>.

Although the spiral model stopped at the third phase, that is, the 'tactical concession', which included two levels of cosmetic moves; first, amendment of the 'Praver-Plan' and second shelving it. A further development occurred four years later that according to the author of this thesis could be seen as 'tactical concession plus'.

'Tactical concession plus'.

It was revealed during 2017 in the Israeli media that Israeli government has improved its stance towards the Bedouin citizens in the Negev 'unrecognised' villages by connect water to some 60-10,000 citizens in the 'unrecognised' villages in the Negev. In the first stage, three villages were connected, in which about 15,000 people live.⁸⁹⁶ This dramatic move that came only few years after shelving the Praver-Plan, could be defined as 'tactical concession' plus. However, according to Yair Maayan, Director General of the Bedouin Settlement Authority, and who is in charge of implementing the plan, connecting these villages to water does not mean that there is a change in Israel's official policy towards the 'unrecognised' Bedouin villages:

*'the villages are still illegal and are intended for evacuation, nothing has changed in terms of the state or Mekorot [Israel's National Water Company]... we make it easier for the residents, and prevent the possibility that the entire village will be cut off from water because there is only one person (from the same village) whose responsible for the connection'*⁸⁹⁷

As of 2017, there are in the Negev 1,700 'unrecognised' residential centres (42 villages), which constitute homes to about half of the entire Bedouin population (100,000 residents) live on about 400 thousand hectares.⁸⁹⁸ A full-service public transport service operates only in the seven veteran towns and in four of the eleven communities that have been recognised in recent years. In the rest of

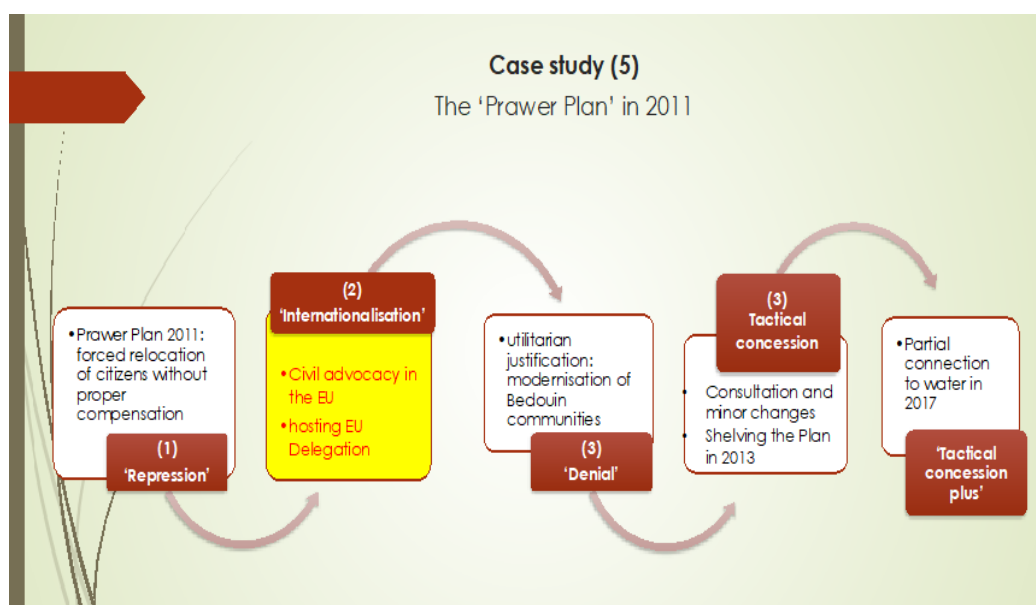
⁸⁹⁶ Assaf Pozaylov, "First Publication: The State Has Begun To Connect Hundreds Of Unrecognised Villages In The Negev With Water", *Kan*, 2017, <https://www.kan.org.il/item/?itemid=24617>.

⁸⁹⁷ Pozaylov, "First Publication: The State Has Begun To Connect Hundreds Of Unrecognised Villages In The Negev With Water".

⁸⁹⁸ Pozaylov, "First Publication: The State Has Begun To Connect Hundreds Of Unrecognised Villages In The Negev With Water".

the forty-two villages there is no public transportation service.⁸⁹⁹ Another Plan to regulate the unrecognised Bedouin settlements was suggested in 2017 by the Minister of Agriculture and it was called 'Prawer II' due to its similarity to the previous one. Once again Adalah petitioned against it to the UN, and the issue is still unsolved.⁹⁰⁰

Figure 10: The 'Prawer- Plan' on the spiral model



5.8 Conclusion

The factors that gave rise to the internationalisation process in the two previous case studies under consideration included the cumulative effect of Israeli policy towards the 'unrecognised' villages. In the case of the 'unrecognised' villages in the Northern district of Israel, the internationalisation process was precipitated by the shortage of potable water and the diseases it caused in the population. The critical process of internationalisation in this case was to bring a case to the IWT, which could issue a judgement binding on the Israeli state. The Israeli government decided to respond to these claims in an international forum, thus

⁸⁹⁹ *The Barriers To Access To Public Transportation In Isolated Communities In The Negev* (Jerusalem: Sikkuy Association and the Regional Council for the Unrecognised Villages in the Negev, 2018).

⁹⁰⁰ "Adalah's Position Paper On "Prawer II"", *Adalah.Org*, 2017, <https://www.adalah.org/en/content/view/9049>.

recognised to some extent that the issue of the Arab citizens is not any longer domestic Israeli issue.

In the case of the 'unrecognised' villages in Southern Israel, concerted efforts to bring this issue to international attention were precipitated by the efforts to codify the policy of the Israeli state in a new law. This law made the discrimination and the violation of human rights as allegedly practised by the Israeli state explicitly and therefore enabled NGOs and other stakeholders to articulate and frame the issue as a deliberate violation of international conventions and obligations of the Israeli state towards its citizens. Those involved in the efforts to internationalise the issue raised this subject in appropriate international institutions, in particular the United Nations and the European Parliament.

The issue of the 'unrecognised' villages had already been identified as one of the problems in the treatment by the Israeli states of its Arab minority and this accounts for the fact that they proved to be receptive to the efforts to internationalise this issue. The main achievement was to promote actions from these institutions and bring this issue to the forefront in relation to the proposed legislation in Israel. The abandonment of the proposed legislation (Prawer-Plan) in Israel was a tangible result of the efforts of civil and law based internationalisation, which similarly to the case of the military government was combined with local protests, and opposition from both right and left wing parties. However, in line with hypothesis 1, the response of the Israeli state was designed to diffuse international approbation and was not sufficient to resolve the underlying issue.

Concerning the spiral model, the case studies show how the Israeli responses moved through the various phases. In the case of the unrecognised Northern villages, the first phase (repression) consisted in the failure to supply water. The denial phase took a form of justification based on the concept that the settlements were illegal. The third phase (tactical concession) involved connection a limit amount of water to the unrecognised villages. The fourth phase (prescriptive status) Israel ratified international human rights in its basic

laws. Eventually the Israeli government changed the underlying policy and legitimised most of the 'recognised' villages, a move that shows that the spiral model reached its fifth level.

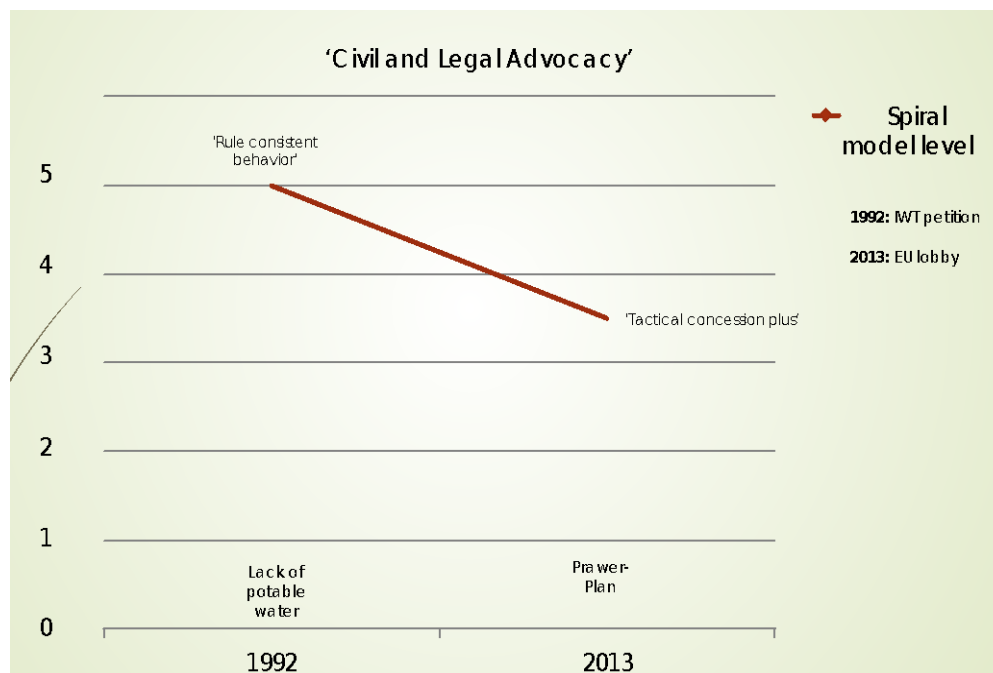
In the second case study of the unrecognised Bedouin villages in Southern Israel, the first phase (repression) consisted of the state's effort to codify the unrecognised communities in domestic law, which in turn would result in undesirable relocation of the local Bedouin community. The internationalisation then caused Israel to move into the second phase (denial), which took the form of utilitarian justification of the policies and thereby denying the alleged human rights implications. Due to the success of internationalisation, Israel was driven to tactical concessions. First it was in the form of minor changes to the proposed law (phase 3), then another these tactical concessions involved dropping the proposed law entirely, and few years later, the Israeli authorities connected theses unrecognised villages to water. A move that was defined in this thesis as 'tactical concession plus'. There was no further advance into phase four and five because the tactical concessions were sufficient to reduce the international pressure (the proposed law was not enacted), and the Israeli government was not compelled to change the underlying policy.

Finally, the aforementioned two case studies demonstrate that similarly to the Kufr-Qassim massacre case, Israel's respect for the international law was uttered by utilitarian attempt to protect its reputation.

Figure 12: Comparison between case studies 1992-2013

'Civil and Legal Advocacy'		
	Case study 4	Case study 5
Reasons for Internationalisation	<ul style="list-style-type: none"> Lack of potable water in last 1980s 	<ul style="list-style-type: none"> The 'Prawer Plan' in 2011
Key issues	<ul style="list-style-type: none"> Hepatitis A and deterioration in the health of children Security discourse 	<ul style="list-style-type: none"> Land confiscation+ population transfer Utilitarian justification
Key Players	<ul style="list-style-type: none"> The GA 	<ul style="list-style-type: none"> Adalah
Internationalisation pattern	<ul style="list-style-type: none"> legal petition to IWT 	<ul style="list-style-type: none"> EU lobby
TAN	<ul style="list-style-type: none"> British Lawyer 	<ul style="list-style-type: none"> The EU Green Party
Spiral model phase	<ul style="list-style-type: none"> Fifth level: 'Rule consistent behaviour' 	<ul style="list-style-type: none"> Third phase (+): 'Tactical concession plus'

Figure 11: Summary of the spiral model (1992- 2013)



Chapter 6: Internationalisation by Personal Diplomacy (2015-2018)

6.1 Introduction

The previous two chapters looked at cases that illustrated two different modalities of the internationalisation strategy used by Israel's Arab elite: 1) 'public memoranda' sent to international organisations, foreign officials, media and superpowers, and 2) 'civil and legal advocacy' led by NGOs by invoking international conventions and treaties. The current chapter aims to investigate a third pattern of internationalisation promoted by the Arab parliamentarians that is defined in this study as 'personal diplomacy'.

The last decade in particular has witnessed a sharp shift in the outlook of the elected Arab representatives in of Israel. This change signifies a dramatic increase in their pleas to leading international institutions and EU top officials. More than ever before, individual and collective parliamentarian initiatives are targeting foreign institutions and governments that Israel share with them agreements based on common liberal values while these norms being violated. These include the UN and EU. They have also unexpectedly petitioned the US government directly as the United States is the main external security guarantor of Israel. The main aim of these initiatives is to bring the demand for egalitarian democracy for the Arab citizens to foreign attention. Yet, their external campaign for equality and integration within the Israeli society contains unavoidable challenging messages to those of the Israeli State that sees itself as 'the only democracy in the Middle East'. Therefore, these efforts elaborate on the complexity and sensitivity of the involvement Arab MKs in such activities.

In some respects, it could be argued that Arab members of Israel's Knesset are in a contradictory position. It is because on one hand they were democratically elected to represent the interests of their constituents and thereby participate in the governance of the country, while on the other hand, they deliberately damage the country's reputation (as their opponents would see it) by questioning Israel's adherence to internationally accepted norms on the global

stage. Arab MKs are also very often accused in advocating Palestinians in the Occupied territories while neglecting the national interest of their Arab voters in Israel.⁹⁰¹

The spiral model postulates that in contrast to analytical approaches to international relations that focus exclusively on states as international actors, NSAs such as NGOs are able to undermine a state's authority and affect its standing in the international community as its authors state.⁹⁰² Various scholars have also emphasised the role of international organisations such as non-governmental groups, and social movements⁹⁰³ and TANs⁹⁰⁴ in promoting universal human rights norms.⁹⁰⁵ Others have emphasised the diplomatic role of parliamentarians in generating soft power for their governments through parliamentary or public diplomacy that aim to enhance the global stand of their governments.⁹⁰⁶ However, much of this existing literature does not acknowledge the exceptional role of parliamentarians in general and opposition parliamentarians from ethnic-minorities background in particular (such as in the case of Israel's Arab MKs) as part of transnational advocacy networks in promoting the interest of their constituencies even if it opposes the foreign policy of the state. Additionally, international activities of the Arab minority in Israel are limitedly evaluated in the literature based on their civil society. Hence, this chapter aims to fill this lacuna both in the academic and the theoretical literature by focusing on cross-border activities of Israel's Arab parliamentarians in the years 2015-2018.

The first part of this chapter gives background about the creation of the Joint List in 2015 that draws upon a variety of sources in Arabic, Hebrew and English.

⁹⁰¹ Sammy, Smoocha, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. March 13, 2016.

⁹⁰² Thomas Risse and Kathryn Sikkink, "The Socialization Of International Human Rights Norms Into Domestic Practices", in *The Power Of Human Rights: International Norms And Domestic Change* (UK, USA, Australia: Cambridge University Press, 1999), 5; Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights* (UK: Cambridge University Press, 2013).

⁹⁰³ Ann Florini, "The Evolution Of International Norms", *International Studies Quarterly* 40, no. 3 (1996): 363, doi:10.2307/2600716.

⁹⁰⁴ Jacqui True and Michael Mintrom, "Transnational Networks And Policy Diffusion: The Case Of Gender Mainstreaming", *International Studies Quarterly* 45, no. 1 (2001): 27-57, doi:10.1111/0020-8833.00181; Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998).

⁹⁰⁵ E.g. Srilatha Batliwala and Lloyd David Brown, *Transnational Civil Society* (Bloomfield (CT): Kumarian, 2006); Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks In International And Regional Politics", *International Social Science Journal* 51, no. 159 (1999): 89-101, doi:10.1111/1468-2451.00179.

⁹⁰⁶ Joseph S. Nye JR, "Public Diplomacy And Soft Power - Joseph S. Nye, 2008", *Journals.Sagepub.Com*, 2008, <http://journals.sagepub.com/doi/abs/10.1177/0002716207311699>.

It also builds on interviews conducted in 2016 with key informants selected from three categories: (1) Arab members of the Knesset (MKs) (2) Leading Arab NGOs in Israel (3) Israeli academic experts in Arab-Jewish relations. The second part examines three case studies where Arab MKs utilised 'Personal Diplomacy' as part of their efforts to 'internationalise' the status of the Arab citizens of Israel.

6.2 The creation of the Joint List in 2015

The creation of the Joint List in 2015 was an unprecedented political move in the history of the Arab citizens of Israel. It was the first time all four Arab parties (Taa'l, Balad, Hadash, Raa'm) whose members include secular Arabs to nationalists and pious Muslims have united together and created one list. The Party also includes a Communist Jewish MK (Dr. Dov Hanin). This was a historic achievement for the Israel's Arab politicians. The party won 13 of 120 seats, the highest number that Arab MKs have managed to achieve ever, and it became the third-largest bloc in the 20th Knesset election, and the second faction of the opposition. The unification of Arab parties could be fairly seen as a significant move towards their internal cohesion. It was a strategic partnership that was born as a reaction to the amendment of the Knesset Election Law in March 2014, which increased the electoral threshold from 2 to 3.25 per cent. The amendment's 'official' aim was to increase stable governance of Israeli governments. However, the Arab and other small Jewish parties considered saw it as an attempt to reduce their chances of passing the parliamentary threshold, and ultimately, to keep prevent them of winning parliamentary representation.⁹⁰⁷

The success of the Joint List to overcome the new threshold was in a large part the alliance of all Arab parties, a demand that Arab citizens have consistently called for. As a result, the turnout in the Arab society increased from 56% in 2013 to more than 63.5% in the 2015 election, which was very close to Israel's national average. Most of the Arab voters voted for the Joint List (more than

⁹⁰⁷ Efraim Lavi, "The Arab Palestinian Society In Israel: Time For Strategic Change In The Processes Of Inclusion And Equality", *Din-Online. Info*, 2016, <http://din-online.info/pdf/in11.pdf>.

80%).⁹⁰⁸ In the same election Benjamin Netanyahu won office for the fourth time over eight years. Thus, he was the first Israeli Prime Minister to serve for a longer time period than Menachem Begin.

It should be noted that that fact Arab MKs have gained most of Arab votes, does not mean necessary that their constituents are fully trust them. Previous surveys showed that there is a gap between the Israeli Arabs' leadership and their public. It is believed that this lack of trust and legitimacy of the Arab parliamentarians stemmed from their inability to bring about a fundamental change in Israel's policies. The existence of a clear Jewish majority in the Israeli parliament prevents Arab politicians from effectively representing the Arab public who expect them to satisfy their needs. Considering this failure, there is much criticism of Israel's Arab lawmakers from their voters.⁹⁰⁹

The Joint List Party includes new members alongside veteran ones. They all highly educated and interestingly many of them have a professional background of work in local NGOs and human rights area. For example, MK Ayman Odeh, who serves as leader of the communist party and the Joint List Chairperson, worked previously as a lawyer for Sikkuy, an Association for the Advancement of Civic Equality in Israel.⁹¹⁰ MK Dr. Yousef Jabareen, No. 10 on the Joint List, was as community activist and served as the founding Director of Dirasat, the Arab Centre for Law and Policy. Jabreen is also a human rights scholar and a previous law lecturer and, holds MA and PhD degrees in international law from American universities.⁹¹¹ MK Aida Touma Suliman, No. 5 on the Joint List, was the Chairman of the Arab NGO 'Women Against Violence and Children'.⁹¹² More veteran Arab lawmakers such as MK Hanin Zoabi, No. 7 on the Joint List

⁹⁰⁸ Ariel Solomon, "Arab Sector Turnout For Recent Elections Reached 63.5%, Polling Data Shows", *The Jerusalem Post* / *Jpost.Com*, 2015, <https://www.jpost.com/Israel-Elections/Arab-sector-turnout-for-recent-elections-reached-635-percent-polling-data-shows-394878>.

⁹⁰⁹ Amal Jamal, "The Arab Leadership In Israel: Ascendance And Fragmentation", *Journal Of Palestine Studies* 35, no. 2 (2006): 6-22, doi:10.1525/jps.2006.35.2.6; Alexander Bligh, "The Final Settlement Of The Palestinian Issue And The Position Of The Israeli Arab Leadership", *Israel Affairs* 9, no. 1-2 (2002): 290-309, doi:10.1080/714003477; Hillel Frisch, *Israel's Security And Its Arab Citizens* (Cambridge [England]: Cambridge University Press, 2011). A survey conducted by Smootha (2013); "The Protest Among Israeli Arabs - Characteristics, Reasons, And Trends", *Maarachot*, 2014, 86.

⁹¹⁰ "The Biography Of MK Ayman Odeh - Head Of The Joint List", *Mk Ayman Odeh's Website*, accessed 28 October 2018, <https://www.aymanodeh.com/english>.

⁹¹¹ "Yousef Jabareen: Biography", *Knesset.Gov.II*, accessed 28 October 2018, https://knesset.gov.il/mk/eng/mk_eng.asp?mk_individual_id_t=919.

⁹¹² "MK Aida Touma-Slima: Biography", *Knesset.Gov.II*, accessed 28 October 2018, https://knesset.gov.il/mk/eng/mk_eng.asp?id=948.

was a Co-Founder and General Director of Ilam Media Centre for the Arab Palestinians in Israel.⁹¹³ MK Dr. Jamal Zahalka, No. 3 on the Joint List, is a Former Director General of the al-Ahali Centre for Community Development. Former MK Dr. Basel Ghattas, who was No.11 on the Joint List served as a Former General Director of both the Galilee Society (the Arab National Society for Health Research and Services) and of Ittijah, which was the umbrella organisation of the Arab NGOs.⁹¹⁴ Due to the aforementioned examples, it can be concluded that the activists of the Arab civil society did not yield satisfied results in relation to the daily life standards of the Arab citizens, hence, they turned to the political arena in an attempt to have more influence on Israel's policies. Put differently, civil advocacy did not bring the desired results, so they turned to personal diplomacy.

A common view amongst interviewees was that until the year 2015, the Arab public in Israel lacked any effective political representation, which would have helped them to internationalise their demands; therefore, their international efforts had little impact. Prof. Sammy Smooha, an Israeli leading expert in the Arab-Jewish relations, argued that the formation of the Joint List was a major factor that triggered the increase in the international petitions of Arab MKs and succeeded in attracting unintentional unforeseen international attention towards it. Smooha also stresses the issue of legitimacy of the Joint List as a body that was elected and representing a group of people:

'The moment it was created, the Joint List constituted a national leadership and an address that presented the Arab public in Israel, something that did not exist before... it is a representative body that is easier to communicate and to deal with rather than with four parties. This was the first time that the State Department talked about it. MK Odeh travelled to the United States and had a stage to talk there. Before that, there were four parties, but now when there is one party with one leadership, it created a new situation. Also in Israel it created a new situation as in the last Israeli election, MK Odeh appeared as one of the legitimate participants in the campaign's debate. He was the first Arab

⁹¹³ "MK Hanin Zoabi: Biography", *Knesset.Gov.II*, accessed 28 October 2018, https://knesset.gov.il/mk/eng/mk_eng.asp?mk_individual_id_t=846.

⁹¹⁴ Ariel Ben Solomon, "Meet The New MK: Basel Ghattas", *The Jerusalem Post | Jpost.Com*, 2013, <https://www.jpost.com/Features/In-The-spotlight/Meet-the-new-MK-Basel-Ghattas>. During 2017, MK Ghattas was convicted of providing means for performing an act of terror for smuggling electronic equipment and letters to prisoners into prison, and transferring letters.

*participation in such a debate. It is also an elected body; unlike The Higher Arab Monitoring Committee*⁹¹⁵

Similarly, MK Jabareen argued:

*'Since the creation of the Joint List, it became easier to internationalise our issues as we have now a clear address and greater power. It is also become easier for countries and embassies to arrange meeting with one party instead of four as it was before. Before that, there was a kind of competition between the parties... The creation of the Joint List also attracted international attention. Although in Germany the left parties have previously united together, they had much less contradiction between them unlike us communism and the Islamic movement. The creation of the Joint List increased the interest of international bodies in us; foreign embassies and the EU want to know more about us...perhaps our international work now will succeed in putting pressure on Israel'*⁹¹⁶

MK Joint List Chairman, Ayman Odeh also confirmed that the creation of the Joint List was a significant step that helped to put the Arab minority on the international agenda:

*'There is no doubt that there was unprecedented cover of the formation of the Joint List. The New York Times wrote about us during the election in its first page alongside other big international and American journals. Also my visit to the US was hugely covered in different international journals... we are now the third largest faction; it means that we can potentially have an influence on the Israeli domestic politics'*⁹¹⁷

After the 2015 election, MK Odeh was invited to Washington for two weeks of diplomatic meetings. It was the first time that an elected representative of Israel's Arab citizens is invited to such a visit. On the eve of his departure, Odeh declared that his aim is to raise an international awareness regarding the situation of Arabs in Israel:

'The issues that matter to Israel's Arab citizens are hardly represented in the international conversation. I'm going to the US to bring that voice with me to influencing sources and opinion leaders, and to create contacts and connections with the progressive and civil rights movements...its seems that the predominant tone as far as the Israeli-Palestinian issue is concerned is simply despair. I come with the clear

⁹¹⁵ Interview with Sammy Smooha, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. March 13, 2016.

⁹¹⁶ Interview with Yousef Jabareen, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Umm al-Fahm, April 4, 2016.

⁹¹⁷ Ayman Odeh, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. April 1, 2016.

*message – we don't have the privilege of despairing. Less than a month after Netanyahu's visit to the US and his half-apology, I go so that I may tell the hard truth about him and the government in Israel, which rose to power through racist incitement against Arab citizens*⁹¹⁸

In December 3, 2015, same week of Odeh's diplomatic tour to the US, Mk Tibi also visited the UN and called on the United Nations to increase its attention to the conditions of the Arab citizens.⁹¹⁹ By 2016 Odeh was chosen to be one of 100 influential international personalities.⁹²⁰

One of the main questions in this study sought to determine the reasons that triggered Arab lawmakers to increase their international pleas. In response a range of multifaceted factors were elicited. MK Masud Ganaim, No. 2 on the Joint List on behalf the Islamic movement claimed that this trend was increased due to the greater prominence of 'racial discrimination' against the Arab citizens and because of the 'limitation of the traditional political and public tools':

*'The challenges have increased, and the racial discrimination reached a level where the traditional parliamentary tools are not being enough anymore for facing discrimination and injustice. Also, public protests and other activities of The Higher Arab Monitoring Committee for Arab Citizens of Israel are not effective anymore. The racism has raised quiet dramatically to the extent that it received legitimacy through Israel's laws. We have to look for another tool that can be more effective to put more pressure on Israel'*⁹²¹

Similarly, MK Jabareen also referred to the limitations in making a local change within Israel:

'The phenomenon of the internationalisation started as a result of looking for options for change. There is a feeling that there are limited possibilities for having a local change. I would not say hopelessness of having a local change but rather a 'limitation'. So, there were attempts to

⁹¹⁸ Amichai Ataeli, "Ayman Odeh To Make Diplomatic Visit To US", *Ynetnews.Com*, 2015, <https://www.ynetnews.com/articles/0,7340,L-4732932,00.html>. In December last year, Joint List Chairman Ayman Odeh visited Washington in order to raise "issues that matter to Israel's Arab citizens that are hardly represented in the international conversation." (Plegg 2016).

⁹¹⁹ Wadih Awada, "MP Ahmed Tibi: We Demand That You Pay Attention To Us As A National Minority", *Al-Quds Al-Arabi Newspaper*, 2015, <http://www.alquds.co.uk/?p=445081>.

⁹²⁰ "The Leading Global Thinkers Of 2015- Foreign Policy", *2015Globalthinkers.Foreignpolicy.Com*, 2015, <http://2015globalthinkers.foreignpolicy.com/#!challengers/detail/odeh>.

⁹²¹ Masud Ganaim, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Sakhnin, March 12, 2016.

*find new horizons of work, and advocacy. One of these horizons is the international arena*⁹²²

In the same vein, MK Tibi, the most veteran Arab MK, Deputy Speaker of the Knesset, and Chairman of the Jerusalem Committee in the joint list linked the issue of the Arab minority in Israel to the wider context of national minorities worldwide and to their status under the international law. Tibi also argued that Arab politicians could no longer let the Israeli governments to mislead the international community about the civil status of its Arab citizens:

*'We did not use the internationalisation strategy a lot in the past. I started to use it more in the last few years, and I think that we should intensify its use. Firstly, because we are a national minority, and there are rights for national minorities that guaranteed by international conventions and human rights treaties. Secondly, Israeli officials and on the top of them Prime Minister Netanyahu keep mentioning the issue of Arab citizens in international platforms and claiming that they are treated equally and that Israel is a heaven for them etc. If they are allowed to raise our issue abroad and to mislead the international community, then why don not we present our issues abroad from our perspective? Netanyahu talked about us in the congress and in front of the world's leaders and compared us with Arabs in the neighbouring countries, so my answer to him was that it is impossible to compare between citizen of a country that claim a democracy, and between citizens who are living under dictatorial or totalitarian regime like Libya, Syria. Comparing a 'control group' [Israel's Arab citizens] should be at the first place with their Israeli Jewish neighbours, and then with democratic countries like Sweden, Canada and Britain that support the 'other' citizen and treat him equally rather with dictatorial regimes only because they are Arab regimes and we are Arabs, this is a racist attitude*⁹²³

Tibi articulates a strategy designed to counter the narrative offered by Prime Minister Netanyahu on the world stage and invoke the norms of liberal democracy to question the conduct of the Israeli government, while refusing to accept any suggestion that the conduct of foreign Arab governments should have any relevance for the political rights of the Arab minority in Israel.

Prof. Smoocha explains the international political behaviour of Arab MKs as part of an empowerment process that they are going through, and as copying the tactics of the Israeli Jewish left:

⁹²² Yousef Jabareen, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Umm al-Fahm, April 4, 2016.

⁹²³ Ahmad Tibi, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. March 20, 2016.

*'The reasons for this trend [internationalisations attempts] refers to the fact that the Arab minority in Israel are going through a process of empowerment, and whenever a minority is going under the process of empowerment so it is not enough for it only to raise its aspirations but it wants also to fulfil them. They [Israel's Arab elite] know that it is very difficult to achieve their aspirations within the state of Israel. Therefore, they are turning abroad. Furthermore, Arabs in Israel are doing what Israeli left-wing Jews who are opposing the Israeli government do. They are using the international community to talk against the policy of the government, and it is not new. In the 1970s the left-wing Parties talked with ASHAF and with different kinds of international bodies to affect the Israeli government's action. Hence, Arab citizens are saying if this action is permitted for Jews, so it is permitted for us'*⁹²⁴

On the question of the nature of the demands of the Arab politicians (e.g. civil or national) from the international community, this study found that the majority of Arab MKs see civil and national demands as un separated and that they are completing each other. As MK Ganaim put it:

*'I do not differentiate between civil and national rights- they are both overlapping. My civil rights are oppressed as a result of my national affiliation and identity. When I do not have an Arab student does not receive an equal budget such as the Jewish student it is because of his affiliation as a Palestinian Arab, therefore these two issues are interrelating. We are justifying our claims by saying that in a normal state it is not supposed to be a contradiction between the national affiliation and the citizenship. Israel creates this contradiction and tension as it wants us to make a choice between either the Israeli citizenship or the Palestinian identity and we are rejecting Israel's attempt to impose this examination on us. We cannot compare between our citizenship and identity and we cannot separate them. I did not choose the Israeli citizenship, I became a citizen of this state as against of my will, I was here and the state came to me. When we are petitioning to international bodies we are saying that we are citizens who are being discriminated because of our national affiliation'*⁹²⁵

Likewise, MK Odeh argued:

'Both the civil and the national issues are overlapping. For example, Kymlica one of the most important critical authors of the collective rights, started to see that liberalism includes collective rights. In other words, it is impossible to have full individual civil rights without full national rights. So, the issue of civil or national rights became strongly interrelating. Traditionally the Arabic language was seen as a national right but it also

⁹²⁴ Sammy Smooha, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. March 13, 2016.

⁹²⁵ Masud Ganaim, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Sakhnin, March 12, 2016.

*can be claimed that it is part of cultural or civil liberal rights for a national group. Additionally, if you look at the issue of the Nakba's recognition, you might say it is a pure national issue; however, you can find a civil and liberal interpretation for it as it can be labelled it under the umbrella of historical conciliation and recognition of historical injustice for the sake of the Arab-Jewish coexistence. In the past things were clearer, in other words, civil rights were derived from citizenship, and national rights from national affiliation. However, there was a lot of development in the issue of collective and historical rights for national and indigenous minorities in the world, and there is a lot of international acceptance to those rights*⁹²⁶

MK Touma-Sliman also claims that there is no separation between civil and national rights. However, she acknowledged the fact that it is easier to advocate civil demands internationally:

*'Regarding the civic rights we are asking for the traditional once those that are derived from the citizenship. I see that both demands [national and civil] are not competing. There is no one civil problem that is not connected to the fact that Arabs in Israel are a national minority and as long as Israel continues its occupation the issue of the national demands will stay more problematic and it will be harder to achieve them. The road for civil rights is easier and more understandable but the problem that it is that it is the Israeli governments that link between the two issues and not us. Normally the discussion is about our political behaviour, however, Israel's position also should be checked'*⁹²⁷

Another Arab MKs also confirms that the international community is more willing to help with civil demands rather than the national ones. According to MK Jabareen:

*'Regarding our demands, we find that the world is clearly reacting to our traditional civil demands such as the freedom of expression and equality in budgets. If you are raising issues such as the Jewishness nature of the state so they [international community] feel that it is going to a very political place that has a high potential of a clash with Israel and they avoid it. So, it is obvious that social issues related to children' and women rights, budgets and unrecognised villages are seen as more reasonable issues to deal with. Let's say they are 'pure civil rights discourse'. If you have issues that touch the sovereignty of the state so it becomes harder to deal with'*⁹²⁸

⁹²⁶ Ayman Odeh, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. April 1, 2016.

⁹²⁷ Aida Touma-Sliman, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Acre, March 26, 2016.

⁹²⁸ Yousef Jabareen, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Umm al-Fahm, April 4, 2016.

Former MK Ghattas also supports what Jabareen's argument regarding the parliamentary international advocacy in relation to the Arab civil rights:

*'Civil rights are easier to achieve. It is easier for European ears to receive civil problems like poverty rather than national demands. Israel's OECD membership helped us to increase our civil demands, as it is now obliged to close the gap between the Arab and the Jewish citizens'*⁹²⁹

The aforementioned perspectives were confirmed further during the interview with a senior figure from the Delegation of the European Union to Israel. He stated that the EU is dedicated to support Israel's Arab civil rights and that it is not playing a role in national issues:

*'...after October 2000 it became more important for the EU to follow the issues of Arab citizens of Israel due to their connection to the issue of Palestinians in the West Bank. So whenever there is tension there it affects the Arab-Jewish in Israel... in the dialogue with the Israeli government, the EU discusses human rights issue and the issue of the Arab minority is one of our priorities... however, we are not going to play role in the issue of Jewishness character of Israel. We meet regularly with Arab MKs. We meet as well with civil society representatives as it helps us to focus on issues such as discriminatory legislation that affects the relations....'*⁹³⁰

In response to the question whether there is a specific criterion for targeting foreign bodies, a range of responses was elicited. Interestingly, MK Jabareen observed:

'We target the countries that are interested in us, but also we look at countries that have foreign funding foundations for human rights issues in Israel including those that belong to political parties or to countries. For example, Germany has foundations that support human rights activities, and these foundations are belonging to German parties. There are also embassies such as the American and Britain ones that have a certain budget for investments. So I think that developing relations with these embassies either directly or through the foundations is also contributing to the internationalisation issue. Austria for example does not provide such a funding, but Germany because of its history with the Jews has several foundations in Israel... Switzerland because it was the hub of the international human rights conventions is also has several foundations in the country... Canada also has a foundation, so there is a trend of supporting projects of the Arab minority either through the embassies themselves or through organisations that belong to

⁹²⁹ Basel Ghattas, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Umm al-Fahm, April 4, 2016.

⁹³⁰ The Delegation of the European Union to Israel, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Tel-Aviv, March 30, 2016.

*them...we have also relations with South Africa as we visited there twice, with the German minority in Northern Italy, and with a group in Northern Ireland... those relations were before the creation of the Joint List but also the Joint List put aims to goal to strengthen these relations*⁹³¹

There was a consensus amongst Arab MKs interviewees regarding the purpose and the use of the internationalisation strategy and in relation to its place on their political agenda. Firstly, unlike the state's point of view, Arab MKs do not see the internationalisation attempts as a separatist act. On the contrary, they are calling for an equal integration within the Israeli system. Secondly, they emphasised that tarnishing the country's reputation is not the theme of their work. Thirdly, they unanimously agreed about the indisputable role of their parliamentary activity on the local level as the front seat of their struggle and believe that their international activity should not replace their local work, rather to complete and support it. MK Odeh emphasised:

*'This trend is not a separatist one; its main aim is to put international pressure on the Israeli government to change its policies towards the Arab citizens. It is important to emphasise that our protest is based on three circles; firstly, the local work. Secondly, building coalitions with liberal Israeli Jews. Finally, there is the international dimension. So, this tool by no means replaces our main struggle here in the 'homeland'. The organising of public protests is the basis of our work and it is empowering us internationally. Both Martin Luther King and Nelson Mandela gained their international power and prestige because of their national activities and not due to their international struggle. Our struggle within the country is the base*⁹³²

Similarly, MK Tibi said:

'The primary field for our struggle is here in the country; it is a public, parliamentarian, media and human rights struggle. Israel's attitude towards our international pleas is in Hebrew 'lo lehotsi it hakhbesa shelano mekhots la'arets', which means, not to take the 'dirty laundry' outside the country. This is also expected from the Jewish citizens as well, but we are asking Israel to keep the laundry clean so we will not take it out. If there were an equality and justice we would not refer to the international community. We are petitioning against our will and not because the situation is good or because we want to distort Israel's

⁹³¹ Yousef Jabareen, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Umm al-Fahm, April 4, 2016.

⁹³² Ayman Odeh, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. April 1, 2016.

*image outside. The situation is bad and this is one of our ways to try to improve it*⁹³³

MK Jabareen asserted:

*'The aim of internationalisation is not to shame Israel, rather to serve our issues. We should not stop our work because of Israel's criticism. It is [the internationalisation] part of our right and of the space that is given to us. I was in the UN and it is a totally peaceful tool. If the Israeli government will say that it is not acceptable so we should stop going? Of course not. However, it is very important to remember that at the end of the day that main influence is here [in Israel]. The main public opinion is here and the main decision makers are here, so we should not leave everything here and focus abroad especially that the international influence is limited. There should not be an exaggeration of the internationalisation and we should not let it come at the expense of our local work. They can complete to each other. Also, we should be careful while choosing the avenues. It is not helpful if we are going to talk in places that are calling for the destruction of Israel'*⁹³⁴

The aim is to achieve real action and not just sympathetic gestures, as Touma-Sliman explained:

*'we still did not lose the hope in the other political tool that include the public and the parliamentary struggle, not to mention that the international campaign of the external Palestinians is not that useful, we do not need sympathy only on the declaration, we need more than that, and our public is fully aware for this point'*⁹³⁵

Tibi like other MKs is fully aware to the sensitivity of the Israeli society to this move, and he acknowledged that:

'There is always a huge political attack and a huge incitement against whenever we are turning to international platforms'

The meetings of Arab MKs with high-level diplomats put them in conflict with the state's institutions. Arab MKs would not feel comfortable in the presence of the state's officials. The nature of these meetings entails making statements regarding the marginal status of the Arabs in the Israeli society that would be

⁹³³ Ahmad Tibi, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. March 20, 2016

⁹³⁴ Yousef Jabareen, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Umm al-Fahm, April 4, 2016.

⁹³⁵ Aida Touma-Sliman, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Acre, March 26, 2016.

considered a negative statement on the actions of the government. MK Tibi expressed explicitly his opposition to cooperate with the Israeli Foreign Ministry:

*'I do not inform the Israeli Foreign Ministry about my international activities or visits, I do not use their services and I do not want them to be with me in the meetings. They are representing Netanyahu and the Israeli government, and I am going there to speak against the Israeli government's policy'*⁹³⁶

MK Tibi gave an example about a clash with the Israeli Foreign Ministry during 2013:

*'few years ago I was invited to India by the Palestinian community there on the occasion of the solidarity day with the Palestinian people. The Palestinian Authority's Consulate there organised a meeting for me with the Indian Vice President and Foreign Minister. However, Avigdor Liberman, who was the Former Israeli Foreign Minister asked to cancel the meeting as it was not organised through the Israeli Foreign Ministry. Eventually, the meeting was cancelled and there was a report about it in the Israeli TV.'*⁹³⁷

Tibi's is not the only MK who had such a clash. There was another incident that illustrated the sensitivity of the Israeli authorities of the internationalisation attempts. For example, during 2015, MK Touma-Sliman, ignored the request by the Knesset Speaker that the parliament's Diplomatic Adviser should be take part in a meeting between Arab MKs of the Joint List and the Subcommittee on Human Rights (DROI) which is subcommittee of the Committee on Foreign Affairs of the European Parliament. The meeting was planned to be hold in the Joint List's office in the Knesset, but following a dispute between the Joint List members and the Knesset Speaker about the presence of the Knesset Diplomatic Advisor in the meeting, the European Delegation including the Ambassador Lars Faaborg Andersen were banned from entering the Knesset, and eventually it was moved to a nearby hotel.⁹³⁸ MKs of the Joint List spoke considered this incident as a helpful move for their claims to the EU delegation

⁹³⁶ Ahmad Tibi, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. March 20, 2016.

⁹³⁷ Tibi, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", March 20, 2016; Eiad Benari, "Tibi Tries To Visit India As A 'Palestinian' Representative", *Israel National News*, 2013, <http://www.israelnationalnews.com/News/News.aspx/174040>.

⁹³⁸ Jack Khoury, "European Law makers' Meeting With Joint Arab List Mks Banned At Knesset", *Haaretz.Com*, 2015, <https://www.haaretz.com/israel-news/.premium-1.667063>.

against Israel's treatment towards them.⁹³⁹ This was also reflected in the media coverage of the DROI mission.⁹⁴⁰

The attempts of Arab MKs are not only limited to physical meetings with influential policymaking figures, rather similarly to a typical public diplomacy,⁹⁴¹ they are also targeting the broader public opinion of foreign citizens. To a large extent these efforts reflect an active approach for raising awareness and generating a wide-world public support for foreign policy approaches towards them. Meanwhile, these efforts aim to create counteract public opinions of a national country's policies.⁹⁴² Accordingly, Arab MKs are also using the 'power of the pen'⁹⁴³ by frequently writing in foreign press, and other forms of e-diplomacy or digital diplomacy.⁹⁴⁴ In this context MK Jabareen said:

*'we also use foreign and social media to internationalise our issues... I have recently written an article in the Guardian about the exclusion's law and it had more than 1000 shares on Facebook'*⁹⁴⁵

Another example of these endeavours could be found in Odeh's 2017 Odeh article in the New York Times about 35 villages in Southern Israel. Odeh mentioned that there are more than 100,000 Arab citizens who are living there while being officially 'unrecognised' by the state and denied services such as electricity and water.⁹⁴⁶

Furthermore, MK Jabareen stressed that the Joint List set the goal of increasing the level of internationalisation, and to that end, the party has created a special Committee on International Relations that he was appointed to act as its Chairman. Jabareen concluded the Joint List's strategies of internationalisation

⁹³⁹ Aida Touma-Sliman, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Acre, March 26, 2016.

⁹⁴⁰ *Subcommittee On Human Rights: Mission To Israel And The Palestinian Territories*, ebook (European Parliament: Directorate-General for External Policies Subcommittee on Human Rights, 2015), http://www.europarl.europa.eu/meetdocs/2014_2019/documents/dplc/dv/finalreport/finalreporten.pdf.

⁹⁴¹ Melissen Jan, "Public Diplomacy Revisited", in *The Oxford Handbook Of Modern Diplomacy* (Oxford: Oxford University Press, 2013).

⁹⁴² Andrew Fenton Cooper, Jorge Heine and Ramesh Chandra Thakur, *The Oxford Handbook Of Modern Diplomacy* (Oxford: Oxford University Press, 2013).

⁹⁴³ Malamud, Andrés, and Stelios Stavridis. "Parliaments And Parliamentarians As International Actors". In *The Ashgate Research Companion To Non-State Actors*. Ashgate Joins Routledge, 2016.

⁹⁴⁴ Andrew Fenton Cooper, Jorge Heine and Ramesh Chandra Thakur, *The Oxford Handbook Of Modern Diplomacy* (Oxford: Oxford University Press, 2013).

⁹⁴⁵ Yousef Jabareen, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Umm al-Fahm, April 4, 2016.

⁹⁴⁶ Ayman Odeh, "Opinion: Israel Bulldozes Democracy", *Nytimes.Com*, 2017, <https://www.nytimes.com/2017/02/11/opinion/sunday/israel-bulldozes-democracy.html>.

are taking place on several levels and forms, and listed them as the follow: (1) Local meetings with foreign nations and their representatives in Israel (2) Meetings abroad with international organisations that Israel share with them international agreements that have influence on the Arab minority (3) publication through foreign, academic and social media.⁹⁴⁷

Like the interviews with the heads of Arab NGOs, a recurrent theme emerged amongst the Arab parliamentarians regarding the fact that foreign nations distinguish between human rights issues and their self-interests. Thus, on the question of the efficacy of the internationalisation strategy, MK Odeh expressed his scepticism as follow:

*'Basically, it is hard for anyone to reject our demands, but it is possible that in a certain place, the interests between states will triumph over their moral stance. There was nobody who did not sympathised with us when spoke about Um Elhiran, the 40 unrecognised Bedouin villages, about that Israel has built over the years 700 Jewish cities and zero communities for Arabs, and about that there are 941 Jewish cities that do not allow Arabs to live inside them as a result of the acceptance committees. Everybody is amazed and says that this is a crime that should not continue. However, unfortunately actions are more likely to be related to interests between states rather than to morality'*⁹⁴⁸

Another answer from MK Jabareen highlighted the high awareness of the Arab leadership towards the limitation of the international mechanisms in protecting their rights as a minority:

*'Let's not exaggerate about the efficacy of the internationalisation tool, we had a very good conclude recommendation from the human rights committee, so what?'*⁹⁴⁹

It is obvious that Arab MKs are highly aware of the constraints of the international system and its inability of making a meaningful policy changes in states. Yet, they still believe that exposing the policies of the Israeli government

⁹⁴⁷ Yousef, Jabareen "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel". interview by Ilham Shahbari. Umm al-Fahm, April 4, 2016.

⁹⁴⁸ Ayman Odeh, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. April 1, 2016.

⁹⁴⁹ Yousef, Jabareen "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel". interview by Ilham Shahbari. Umm al-Fahm, April 4, 2016.

in foreign avenues is important for their struggle as the case studies below demonstrate.

6.3 Case studies

The following section presents three patterns of international diplomatic activity of Arab MKs: (1) The meeting of MK Ahmad Tibi's with the State Department in the US during February 2016 (2) The meeting of MK Ayman Odeh's, the Head of the Joint List, with the Secretary General of the UN in April 2016 (3) The meeting of the Arab Joint List legislators to Brussels in November 2017. There are a variety of examples that could be provided about involvement of Arab politicians in international activities. However, these cases were chosen as each one of them exemplifies an unprecedented move in the history of Arab politicians in Israel. The interviews cited above contain significant details about the modalities and the objectives of internationalisation and the case studies will look in more detail at the process and outcomes in individual cases.

6.3.1 Tibi's visit to the White House

Unlike the previous case studies in Chapter four and five, this case study and the following one would not start by introducing phase one 'repression' as it claimed by Arab citizens. Instead, the current case study and following one (6.3.2) will start directly by introducing the efforts of Arab MKs to internationalise issues in relation to their public. The reason for that is that these two cases (Tibi's and Odeh's meeting with international key figures) were not focused on one specific issue rather referred to wide range of on-going problematic daily life topics. This caused a difficulty for the author of this project in identifying one main theme to illustrate the first phase of the spiral model, that is, 'repression'. Therefore, the author found it more useful to start by examining the attempted internationalisation efforts that took a form of 'personal diplomacy', and then the analyses moves to evaluate the efficacy of these endeavours based on the situation until writing this thesis.

Attempted internationalisation.

In February 2016 MK Tibi met with senior American officials at the White House and State Department, Robert Malley, President Obama's Chief Advisor on the Middle East, Frank Lowenstein, Special Envoy for Israeli-Palestinian Negotiations, and Christopher Henzel, Director of the Office of Israel and Palestinian Affairs.⁹⁵⁰ Members of the team who are writing the annual State Department report on human rights also attended Tibi's meeting with the State Department.⁹⁵¹ This meeting with the State Department was seen as historical as no such meeting have been held in the past between high-level members of the American administration and an Arab Knesset member.

During the meeting, Tibi talked about what he described Israel's 'systemic discrimination' against the Arab minority. Tibi raised various claims pertain to the daily life of the Arab minority that the Israeli government would prefer to keep as internal matters. These include the unrecognised Bedouin villages, home demolitions, the wave of antidemocratic laws and socio-economic gaps between Arab and Jewish citizens:

*'I spoke about the issue of houses demolitions, more specifically about the demolition of the unrecognised Bedouin village Umm al-Hiran in the Naqab [Negev area in Southern Israel] for replacing it by the Jewish settlement Hiran. For me this is a very difficult issue. It is a prototype of the Apartheid. This issue specifically pushed me to talk in the White House, the UN and in other foreign academic institutions. People found it hard to believe this story. When I am telling them that there are more than 40 laws in the Israeli Knesset that discriminate against Arabs, either directly or indirectly and impose inequality between Arabs and Jews, they are surprised. They have no enough knowledge of our civil and political situation'*⁹⁵²

Tibi mentioned during the interview with him⁹⁵³ that he gave the American officials a list of discriminatory laws that was published on behalf Adalah.⁹⁵⁴ According to Tibi the visit was reported in Hebrew by the Israeli radio Reshet

⁹⁵⁰ Tamar Plegge, "In DC, Arab MK Blasts Israel's 'Systemic' Discrimination", *Timesofisrael.Com*, 2016, <http://www.timesofisrael.com/in-dc-arab-mk-blasts-israels-systemic-discrimination/>. (World Tribune 2016)

⁹⁵¹ Hassan Shaalan, "MK Tibi Meets With Senior White House And State Dept. Officials", *Ynetnews.Com*, 2016, <https://www.ynetnews.com/articles/0,7340,L-4763151,00.html>.

⁹⁵² Ahmad Tibi, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. March 20, 2016.

⁹⁵³ Tibi, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel".

⁹⁵⁴ "Discriminatory Laws In Israel - Adalah", *Adalah.Org*, 2018, <https://www.adalah.org/en/law/index>.

Bet,⁹⁵⁵ and in another Israeli TV Channel that describe it as 'aleyat madregah', which means an 'escalation in the tension' between Israeli Arabs and the Israeli society and in the petitions to the international community.⁹⁵⁶

Generally speaking, Palestinians have historically had an antagonistic attitude towards the US administration as they regard it as a pro-Israeli mediator and for this reason it was surprising that the Arab MKs believed such a meeting could be beneficial. But there was a perception that the American administration would give them a hearing during President Barack Obama's term of office. The US President Barak Obama was the first American President who mentioned the issue of the Arab citizens of Israel. In two occasions he has signalled positive messages of encouragement. This was when the Israeli PM Netanyahu warned in the final day of the campaign that 'Arab voters are heading to the polling stations in droves'.⁹⁵⁷ As a result, Obama delivered a message that he is supporting the Arabs citizens when he stated that he is 'deeply concerned by the use of divisive rhetoric in Israel that sought to marginalize Arab Israeli citizens'. In another occasion, in 2010, the U.S. President Barack Obama updated the America's official vision of Israel's future to stress that the Jewish state must ensure equal rights for its Arab citizens. It was a new national security strategy sought to address the Palestinian claim that recognising Israel, as a Jewish state without harming the rights of Israel Arab citizens.⁹⁵⁸

It should be noted that Tibi's visit to the White House in 2016 came at time where the relations between Netanyahu's government with Obama administration were at a low point due to the Iran nuclear deal. Although the US is the largest and greatest ally of Israel, relations between the nations have soured during Obama's eight years in office. Both President Obama and Israeli Prime Minister Netanyahu were elected in 2009, and they had disagreements over key political issues such as the Israeli settlements, and the Iranian nuclear

⁹⁵⁵ Tibi, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel".

⁹⁵⁶ Moav Vardi, "Step Up: MK Ahmad Tibi Met With Senior US Officials In Washington", *Nana10*, 2016, <http://10tv.nana10.co.il/Article/?ArticleID=1173494>.

⁹⁵⁷ "Binyamin Netanyahu: 'Arab Voters Are Heading To The Polling Stations In Droves'", *The Guardian*, 2015, <https://www.theguardian.com/world/2015/mar/17/binyamin-netanyahu-israel-arab-election>.

⁹⁵⁸ Aluf Benn, "Obama's New Vision Of Jewish State Guarantees Rights Of Israeli Arabs", *Haaretz.Com*, 2010, <https://www.haaretz.com/1.5130838>.

deal. The deterioration in the relations reached a low point late at the end of Obama's term in December 2016 when Washington rejected to veto the U.N. resolution calling to end Israeli settlements in the Occupied Territory. As a result, a historical UN resolution demanding Israel to stop building settlement on Palestinian land has passed.⁹⁵⁹ The latter diplomatic move did not mean however reflect a real change in the United States supportive policy to Israel. Only three months before the 2016 U.N. resolution, same Obama's administration has upgraded its annual military aid for Israel from 31 to 38 billion dollars assistance over the next decade, which was considered the largest such aid package in U.S. history.⁹⁶⁰ In other words, the tense relations between Obama and Netanyahu resulted in moral leverage, and financial sanctions were not a realistic option at that point.

A brief look at the current situation in relation to the issues that MK Tibi raised during his meeting with American officials in the White House shows that no change has occurred in the status quo. In other words, Tibi's personal diplomacy did not generate internationalisation or any actual political change. Accordingly, the spiral model did not move beyond the first level, 'repression'. During the same trip to the US, Tibi also met with the President of the Inter-Parliamentary Union (IPU), and he spoke about other issues such as the Palestinian Journalist prisoner, Mohammed al-Qeeq, and Netanyahu's incitement against Arab MKs that posed a threat to their lives. Tibi asked the UN's intervention to protect the freedom of work of the Arab parliamentarians.⁹⁶¹

Another remarkable individual move in Tibi's personal diplomacy occurred in June 2017, when his own political Party, the 'Arab Movement for Change' has signed a two years 'partnership agreement' with the Group of the Progressive Alliance of Socialists & Democrats (S&D) in the European Parliament in

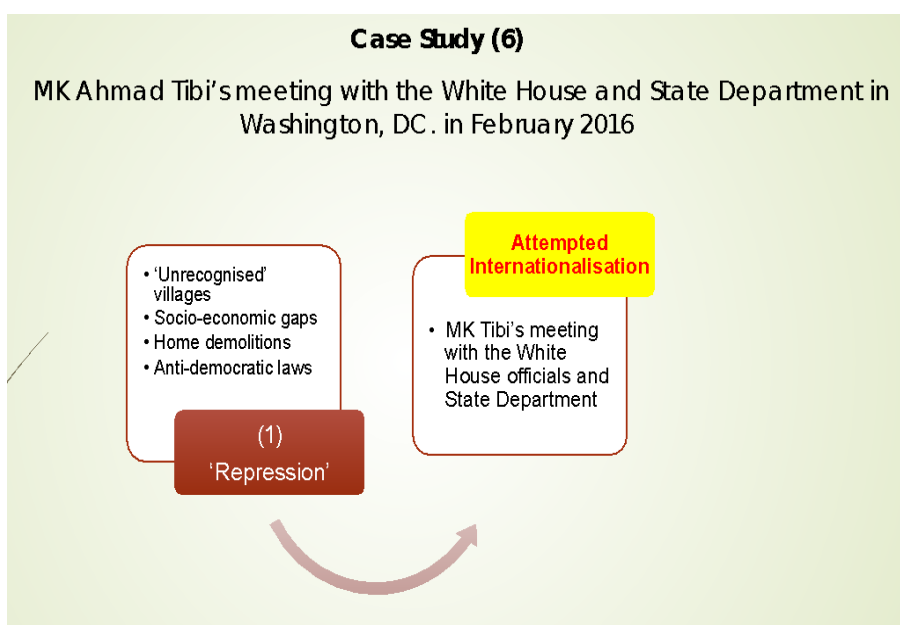
⁹⁵⁹ Carol Morello and Ruth Eglash, "U.S. Declines To Veto U.N. Security Council Resolution For Israel To Stop Jewish Settlement Activity", *Washington Post*, 2016, https://www.washingtonpost.com/world/national-security/us-declines-to-veto-un-security-council-resolution-for-israel-to-stop-jewish-settlement-activity/2016/12/23/cd4efe72-c939-11e6-bf4b-2c064d32a4bf_story.html?utm_term=.4e12c3a8f626.

⁹⁶⁰ Eric Bender, "Odeh Meets With UN Secretary-General: 'We Demand Equality For The Arab Public'", *Maariv.Co.II*, 2016, <http://www.maariv.co.il/news/israel/Article-538016>.

⁹⁶¹ "Tibi Raises The Issue Of Prosecuting Arab Mks And The Strike Of Mohammed Al-Qaiq At The United Nations", *Alarab.Com*, 2016, <https://www.alarab.com/Article/730045>.

Brussels.⁹⁶² This agreement consists of three main articles that include mutual actions between the two parties such as consultation on political matters, organising joint events on subjects of mutual interest in Brussels and Israel, and discussing opportunities to host young trainees proposed by the Arab Movement for Change at the Secretariat of the S&D Group in the European Parliament in Brussels. Tibi's recent move is considered as a unique for two reasons; firstly, because the 'partnership agreement' is the first one that any Arab political party within Israel has signed. Secondly, because this agreement was not on behalf the Joint List Party, which is supposed to be the main political address for the Arab minority; rather it was conducted on behalf Tibi's political party.

Figure 6: MK Ahmad Tibi's meeting with the White House and State Department in Washington, DC. in February 2016



⁹⁶² "Signing A Partnership Agreement Between The European Socialist Party And The Arab Movement For Change", *Alwatanvoice*, 2018, <https://www.alwatanvoice.com/arabic/news/2017/06/28/1062918.html>.

6.3.2 Odeh's meeting with the UN⁹⁶³

Attempted internationalisation.

On April 22, 2016, there was a report on the website of the Joint List Chairman, MK Ayman Odeh, about his meeting with the UN Secretary-General Ban Ki-moon and the General Assembly President Mogens Lykketoft.⁹⁶⁴ According to the same report it was the first time that an Arab MK has ever met with such UN senior figures, and that Odeh also delivered to them during the meeting a detailed memorandum about Israel's 'systematic discrimination and nationality-based oppression' against the Arab citizens since the establishment of the state until 2016. A copy of the memorandum was found on the same page of the Odeh's website and first paragraph reads as follow:

*'I write to you as a son of the Arab Palestinian national minority in Israel. We, Arab Palestinians living in Israel, are native to the land and citizens of the state, are a part of the Palestinian people, and the Arab nation and cultural sphere, and the human one... since the Nakba and Israel's establishment we have been subjected to severe systematic discrimination and nationality-based oppression... since 1948 Israel has established 700 new towns, of which 0 are Arab (with exception of towns built in the Negev in order to concentrate the Bedouin population in them)...Israel's Palestinian citizens are often absent from the international discourse on Israel-Palestine although we are 20% of Israel's population...'*⁹⁶⁵

A special attention in Odeh's letter was given to the situation of the Arab Bedouin citizens in the 'unrecognised' villages in the Negev [in Arabic Naqab], such as Umm el Hiran and Atir with a requirement for sending a UN special committee to investigate the living standards of the Bedouin citizens in the 'unrecognised' villages:

'In the Negev, in Israel's south, 100 000 Israeli citizens live without the most basic infrastructure and services: running water, electricity, healthcare, paved roads, or educational facilities. These citizens live in villages the state does not recognize, although most of them have

⁹⁶³ "Odeh's Memorandum To The UN Secretary-General Ban Ki-Moon", *Media.Wix.Com*, 2016, http://media.wix.com/ugd/0f9de8_98f27d6a789245a9b94501ec40a3a453.pdf; Eric Bender, "Odeh Met With UN Secretary-General: 'We Demand Equality For The Arab Public'", *Maariv.Co.II*, 2018, <http://www.maariv.co.il/news/israel/Article-538016>.

⁹⁶⁴ "Odeh's Memorandum To The UN Secretary-General Ban Ki-Moon", *Media.Wix.Com*, 2016, http://media.wix.com/ugd/0f9de8_98f27d6a789245a9b94501ec40a3a453.pdf.

⁹⁶⁵ "Odeh's Memorandum To The UN Secretary-General Ban Ki-Moon", *Media.Wix.Com*, 2016, http://media.wix.com/ugd/0f9de8_98f27d6a789245a9b94501ec40a3a453.pdf.

*existed before the state itself was founded or were relocated to their current locations by the state... The village of al-Arakib, whose residents currently live amidst their ancestors' graves, has to date been demolished 97 times by the state, but despite the daily fear of yet another demolition, the residents' spirit hasn't been broken... would like to ask you to dispatch a fact-finding mission to the Negev to examine the dire situation of the land's indigenous Arab population, and work to secure their rights as guaranteed by international law and conventions*⁹⁶⁶

Unexpectedly, two months following Odeh's meeting, it was revealed in the Israeli media that on the contrary to Odeh's press release back in April, the memorandum was not forwarded directly to the UN Secretary-General Ban Ki-moon during the meeting with him, rather it was submitted to via the Palestinian UN ambassador, Riyad Mansor. It was also revealed that Ban Ki-moon rejected Odeh's memorandum by informing the Israeli Ambassador in the UN Danny Danon due to the UN protocol.⁹⁶⁷ Odeh's move caused a lot of anger in the Israeli side and the Israeli Ambassador Danon described as 'a red line that has been crossed':⁹⁶⁸

*'this is a very serious incident - cooperation with the Palestinian delegation that attacks the State of Israel every day, with anti-Semitic statements and political activity against Israel. This is the first time that a representative of the Israeli parliament chooses to cooperate with the Palestinian delegation against the State of Israel, and we must not cooperate with this grave act'*⁹⁶⁹

In response Odeh said that it is known that he does not cooperate with the Israeli Foreign Ministry and that the Palestinian dimension is the ultimate choice.⁹⁷⁰ Odeh's meeting with the UN was also criticised in the Arab media by Arab academics and leading figures from the civil society. For example, in his op-ed in April 2016, Dr. Sammy Miaari, raised questions in relation to the way Odeh's meeting was organised, the content of the UN's memorandum that he

⁹⁶⁶ "Odeh's Memorandum To The UN Secretary-General Ban Ki-Moon", *Media.Wix.Com*, 2016, http://media.wix.com/ugd/0f9de8_98f27d6a789245a9b94501ec40a3a453.pdf; Daniel Doueck, "UN Rejects Request By Arab MK To Probe Bedouins' Living Conditions", *Timesofisrael.Com*, 2016, <https://www.timesofisrael.com/un-rejects-request-by-arab-mk-to-probe-bedouins-living-conditions/>.

⁹⁶⁷ Udi Segal, "MK Odeh Against The State Of Israel At The UN", *Mako*, 2016, https://www.mako.co.il/news-military/israel-q2_2016/Article-4669b8ceab63551004.htm; "Israeli Anger Over MK Odeh's Complaint To The United Nations Through The Palestinian Mission", *Aymanodeh*, 2016, <https://www.aymanodeh.com>

⁹⁶⁸ Uzi Baruch, "Arab MK Cooperates With Palestinians Against Israel", *Israel National News*, 2016, <http://www.israelnationalnews.com/News/News.aspx/213521>.

⁹⁶⁹ Baruch, "Arab MK Cooperates With Palestinians Against Israel".

⁹⁷⁰ Segal, "MK Odeh Against The State Of Israel At The UN".

described that it was written in a 'secret' way, and whether experts or academics were involved in writing it.⁹⁷¹ There were also voices from the Arab civil society that saw this meeting as an individual act that its efficacy is doubtful and in the same interview, Odeh's and Tibi's personal diplomatic meetings were implicitly accused of populism. The fact that they were conducted individually and in the same period had gave an impression of a competitive atmosphere to the Arab public. Mohamed Zeidan in his interview with Mosawa TV expressed his anxiety about what he considered 'spontaneous' meetings, and for lacking a clear speech and unified national program for targeting international bodies:

*'I am afraid that these individual initiatives on the international level would create a confusion. The multiple messages could result in a difficulty to generate a clear stand from the international institutions as they will not know what we are asking for... delivering different messages is undoubtedly harmful'*⁹⁷²

The UN's rejection of Odeh's letter was surprising as Israel's diplomatic relation with the UN have never been considered good due to the organisation's long history of sharp criticisms and anti-Israeli resolutions. According to Israel, the UN has been used for years as a battlefield in an unfair political war against it.⁹⁷³ In December 2016, Prime Minister Benjamin Netanyahu described the United Nations as a 'house of lies'. This was prior the vote on a draft resolution calling on the United States to withdraw its recognition of Jerusalem as Israel's capital.⁹⁷⁴ Some authors argue that the treatment of Israel by the UN and its affiliated agencies demonstrates the country's negative international image and poor reputation.⁹⁷⁵ Yet, this view might be challenged when taking into consideration the fact that Palestinians have an automatic advantage in the UN based on the high number of the 50+ states in the Islamic bloc. In any case, the rejection of Odeh's memorandum proved that similarly to Al-ard's

⁹⁷¹ Sami Miaari, "The Meeting Of MP Ayman Odeh With Ban Ki-Moon Betw een The Hidden And Apparent", *Alarab.Com*, 2016, <https://www.alarab.com/Article/743538>.

⁹⁷² "Mohamed Zidan : "Internationalization Of Arab Issues" Is Not This Way!", *Youtube*, 2016, <https://www.youtube.com/watch?v=THnoKzqN2IM>.

⁹⁷³ "Relations Betw een Israel And The United Nations", *Embassies.Gov.II*, accessed 10 October 2018, <http://embassies.gov.il/hague-en/aboutisrael/Relations/Pages/Relations-Israel-and-U-N.aspx>.

⁹⁷⁴ Jeffry Heller, "Israel's Netanyahu Calls U.N. 'House Of Lies' Before Jerusalem Vote", *Reuters*, 2017, <https://www.reuters.com/article/us-trump-israel-un-netanyahu/israels-netanyahu-calls-u-n-house-of-lies-before-jerusalem-vote-idUSKBN1EF14U>.

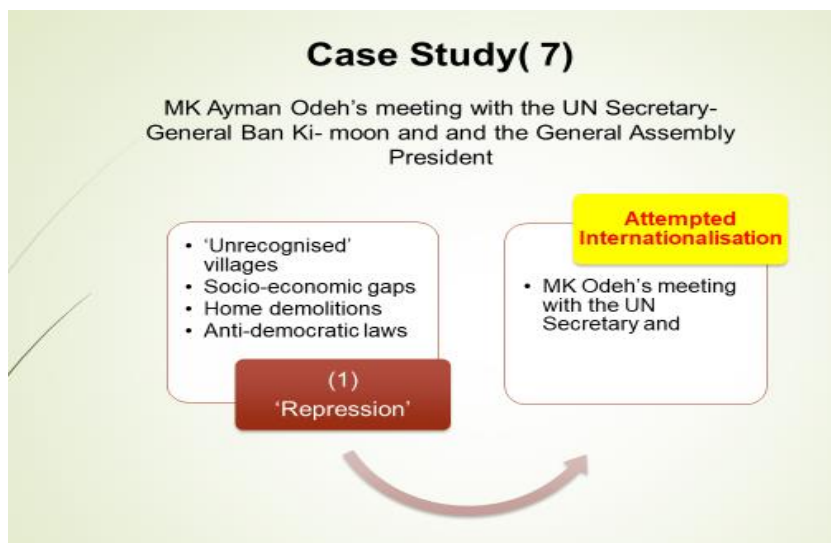
⁹⁷⁵ E.g. Eytan Gilboa, "Public Diplomacy: The Missing Component In Israel's Foreign Policy", *Israel Affairs* 12, no. 4 (2006): 715-747, doi:10.1080/13533310600890067.

memorandum, the Palestinian network was not helpful for the case of Israel's Arab citizens in the UN institution.

It might be that the reason for the rejection is due to the UN protocol that says the plea should be submitted through the state's representative, and in this case the Palestinian ambassador does not have any official standing to represent Arabs who are citizens of Israel. Nevertheless, it exemplifies the problematic situation of Arabs in Israel who fall between the Israeli government that does not treat them equally as Jews while turning to Palestinian officials who do not have any legitimate standing to represent or advocate on behalf them. So, the Palestinian network was not useful, also the UN does not pay much attention the Arab minority case as to the Palestinian case.

In the language of the spiral model, Odeh's personal diplomacy act did not achieve its goal, thus, it keeps all the problematic matters he complained about in phase one, 'repression'.

Figure 7: MK Ayman Odeh's meeting with UN Secretary-General Ban Ki-moon in April, 2016



6.3.3 The visit of the Joint List Delegation to the EU,⁹⁷⁶ and OECD⁹⁷⁷

Claimed 'repression'.

First phase. On 10 May 2017 a draft bill of the 'Basic Law: Israel the Nation-state of the Jewish People' which is also known as 'The nation-state law' passed on preliminary reading in the Knesset plenary.⁹⁷⁸ The official aim of the legislation is to enshrine the concept that Israel is the nation state of the Jewish people. This issue is particularly important for the Israeli Prime Minister Benjamin Netanyahu who has been asking for years Palestinians to recognise Israel as a Jewish state as one of the main conditions to achieve peace treaty.

The Nation- State bill was firstly proposed by MK Avi Dichter and Ze'ev Elkin in the 18th Knesset (2009-2013) who sought to pass it as a Basic Law. From the beginning, this law was highly controversial and was one of the reasons that led to a coalition crisis in the 19th Knesset that resulted in the dissolution of the government after only two and a half years of its work.⁹⁷⁹ Since then, the law has been under enormous discussions, resubmitted by another right-wing MKs and has undergone multiple amendments, with the final version dropping altogether sections regarded as discriminatory.⁹⁸⁰

Although the nationality law is mainly declaratory, it proved to be a highly controversial. Opponents of the law argue that the law fails to declare equality before the law for all the state's citizens which results in privileging Jewish citizens. In other words, it is believed that anchoring of the Jewish-national aspect, without guaranteeing the value of equality as defined in the Declaration of Independence, has a high potential of breaching of the delicate balance between Jewish and democratic values, which, according to a large part of the

⁹⁷⁶ "Delegation Of Joint List MKs In Brussels To Meet Top EU Officials", *Maki.Org.II*, 2017, <http://maki.org.il/en/?p=13063>.

⁹⁷⁷ Jack Khoury, "OECD Chief Meets Israeli Arab Leaders, Warns Of Inequality Between Jews And Arabs", *Haaretz.Com*, 2017, <https://www.haaretz.com/israel-news/oecd-chief-meets-israeli-arab-leaders-warns-of-inequality-with-jews-1.5465058>.

⁹⁷⁸ "Jewish Nation-State Bill Approved In Preliminary Vote", *Knesset.Gov.II*, 2017, https://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=13408.

⁹⁷⁹ "Everything You Wanted To Know About The Law Of Nationality", *IDI*, 2018, <https://www.idi.org.il/articles/24220>.

⁹⁸⁰ "The Basic Law Draft: Israel Is The Nation-State Of The Jewish People", *Avidichter*, accessed 29 October 2018, [https://avidichter.co.il\[.in Hebrew\]](https://avidichter.co.il[.in Hebrew])

Israeli public is already exists.⁹⁸¹ Secondly, it is argued that the law states that the right to exercise national self-determination in Israel 'is unique to the Jewish people', thus it denies the Arab leadership's demand to recognise the Arab minority as a national minority that is eligible to collective rights. Thirdly, the law calls for downgrading the status of the Arabic language from its de facto status as Israel's second official unofficial language. Fourthly, the bill's clause 7B, allows the person not to be accepted to settle based on his religion or nationality stipulates housing and planning policies. This was described as a very serious violation of equality and human dignity.⁹⁸²

As a result, the country's Arab elite described the bill as 'racist'⁹⁸³ and 'verging on apartheid',⁹⁸⁴ and expressed their concerns of deepening discrimination against the Arab minority in Israel. Also, a vocal opposition from Left and Centre Left mainstream parties, and describes it as 'assault the principle of equality'.⁹⁸⁵

Attempted internationalisation.

On November 8, 2017, a delegation of Arab parliamentarians from the Joint List travelled to Brussels to conduct a series of political meetings at the headquarters of the European Union (EU).⁹⁸⁶ The delegation aimed to voice their concern against the proposed 'nation state bill'. However, it was not the only topic on their agenda. The Joint List delegation declared that its goal was also to ask the EU intervention to pressure Israel on the 'population transfers' proposal among high-level Israeli politicians, which threatens to deprive hundreds of thousands of Arab citizens who live in the so-called the Triangle area of their Israeli citizenship, and suggests that they to become citizens of a future Palestinian state. Also, the situation of the 'unrecognised' Bedouin

⁹⁸¹ "Everything You Wanted To Know About The Law Of Nationality", *IDI*, 2018, <https://www.idi.org.il/articles/24220>.

⁹⁸² "Everything You Wanted To Know About The Law Of Nationality", *IDI*, 2018, <https://www.idi.org.il/articles/24220>.

⁹⁸³ Shahar Hay, "Nationality Bill Passes Its First Reading", *Ynetnews.Com*, 2018, <https://www.ynetnews.com/articles/0,7340,L-5247451,00.html>.

⁹⁸⁴ Maayan Lubell, "Israel Adopts Divisive Jewish Nation-State Law", *Reuters*, 2018, <https://uk.reuters.com/article/uk-israel-politics-law/israel-adopts-divisive-jewish-nation-state-law-idUKKBN1K9021?feedType=RSS&feedName=topNews>.

⁹⁸⁵ Shahar Hay, "Nationality Bill Passes Its First Reading", *Ynetnews.Com*, 2018, <https://www.ynetnews.com/articles/0,7340,L-5247451,00.html>.

⁹⁸⁶ "Delegation Of Joint List Mks In Brussels To Meet Top EU Officials", *Maki.Org.il*, 2017, <http://maki.org.il/en/?p=13063>.

villages in the Negev, and the demolition of illegally constructed homes were identified as topics to be raised in the meeting with the EU.⁹⁸⁷

The delegation consisted of four Arab Joint List MKs; two on behalf the communist Hadash party; MK Dr. Youssef Jabareen (delegation leader), and Aida Touma-Sliman, Masud Ganaim, and Dr. Jamal Zahalka, as well as the chair of the NGO Mossawa Centre, Jafar Farah. This move represented unusual form of cooperation between local Arab NGO and MKs. Farah highlighted the importance of upgrading the international political networks of the Arab community, and explained the role of his organisation in this initiative:

*'Arab civil society has established important networks that can support the Arab community, as well as its political, cultural, and economic institutions of Arab society in Israel. We are more than a fifth of the population and an important political and economic actor. This should be apparent in the international community's engagement with the region'*⁹⁸⁸

According to the Joint List press release, this was an unprecedented international political activity on the part of the representatives of the Arab population in Israel in terms of the size, the composition of the delegation and the foreign senior echelon:

*'The size and composition of the delegation and the senior echelon of the meetings are unprecedented in an attempt by the elected representatives of the Arab minority in Israel to turn to international elements to block the racist and anti-democratic legislation in the Knesset and the government's policy against the Arab population'*⁹⁸⁹

The Joint List delegation was hosted by the Confederal Group of the European United Left, which is also known as the Nordic Green Left (GUE/NGL), as well as representatives of all 28 EU member states and all European Parliament factions. It also participated in a meeting of the Belgian parliament's Foreign

⁹⁸⁷ "EU Must Help Defend Rights Of Arab-Palestinian Citizens Of Israel | Communist Party Of Israel", *Maki.Org.II*, 2017, <http://maki.org.il/en/?p=13108>.

⁹⁸⁸ "Delegation Of Joint List Mks In Brussels To Meet Top EU Officials", *Maki.Org.II*, 2017, <http://maki.org.il/en/?p=13063>.

⁹⁸⁹ "Delegation Of Joint List Mks In Brussels To Meet Top EU Officials", *Maki.Org.II*, 2017, <http://maki.org.il/en/?p=13063>.

Affairs Committee.⁹⁹⁰ At the meeting, Arab MKs focused on what they see as the government's policy of discrimination against the Arab community, and called the EU to put human rights at the centre of its relations with Israel, and to intervene to stop the passage of the Jewish nation-state bill.⁹⁹¹ The Joint List MKs argued that Israel is violating Article Two of the 1995 the EU- Israel Association Agreement⁹⁹² that calls for the protection of human rights and democratic values:

*'Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement'*⁹⁹³

The Joint List delegation sees the human rights (article 2)⁹⁹⁴ as a valuable tool for the EU's diplomatic efforts to demand progress on equal rights for minority groups of which the Arab Palestinian minority is the largest. From their perspective, Israel cannot enjoy the economic advantages the EU grants it while violating the rights of Arabs in Israel and of Palestinians in the OT. According to Arab MKs, they received support from the EU figures they met with:

'In general we feel people are willing to hear us out on the issues we bring up, because protecting human rights and democracy are principles and values the EU is proud of... seeing the multilingual European and Belgian parliaments, Israel is very far from reaching European standards... Arabic, can't be used in many public places, such as government offices or the parliament or in court... European officials he met were specifically sensitive to the article about Arabic language, because they are sensitive to multiculturalism, and said they are willing

⁹⁹⁰ Lahav Harkov, "Israeli-Arab Law makers Encourage EU To Cut Trade Agreement With Israel", *The Jerusalem Post | Jpost.Com*, 2017, <https://www.jpost.com/Arab-Israeli-Conflict/Israeli-Arab-lawmakers-encourage-EU-to-cut-trade-agreement-with-Israel-513718>.

⁹⁹¹ "EU Must Help Defend Rights Of Arab-Palestinian Citizens Of Israel | Communist Party Of Israel", *Maki.Org.II*, 2017, <http://maki.org.il/en/?p=13108>; Lahav Harkov, "Israeli-Arab Law makers Encourage EU To Cut Trade Agreement With Israel", *The Jerusalem Post | Jpost.Com*, 2017, <https://www.jpost.com/Arab-Israeli-Conflict/Israeli-Arab-lawmakers-encourage-EU-to-cut-trade-agreement-with-Israel-513718>.

⁹⁹² "The Israel-EU Association Agreement-June 2000", *Mfa.Gov.II*, 2000, <http://mfa.gov.il/MFA/MFA-Archive/2000/Pages/The%20Israel-EU%20Association%20Agreement%20-%20June2000.aspx>.
<http://embassies.gov.il/eu/IsraelEU/Associationagreement/Pages/Departments.aspx>.

⁹⁹³ "Euro-Mediterranean Agreement: Establishing An Association Between The European Communities And Their Member States, Of The One Part, And The State Of Israel, Of The Other Part", *Official Journal Of The European Communities* 147, no. 3 (2000).

⁹⁹⁴ "The Israel-EU Association Agreement-June 2000", *Mfa.Gov.II*, 2000, <http://mfa.gov.il/MFA/MFA-Archive/2000/Pages/The%20Israel-EU%20Association%20Agreement%20-%20June2000.aspx>.
<http://embassies.gov.il/eu/IsraelEU/Associationagreement/Pages/Departments.aspx>.

*to act against the Israeli government. We called on them to do so immediately*⁹⁹⁵

MEP Martina Michels, who is a member of the European Parliament Delegation for Relations with Israel welcomed the meeting with the Joint List members and said that the EU must recognise Palestinian citizens of Israel and their struggle for equality as a German MEP commented:

*'I am glad to see the development of a progressive opposition in Israel. Real change can only come from inside the Israeli society. The Left in Europe stands in solidarity with progressive forces in Israel in their struggle for a just and peaceful resolution to the conflict, against racism and discrimination, for the protection of human and citizens' rights, for social and gender equality...our group's support for the Palestinian cause must go beyond partnerships in the West Bank and the Gaza Strip. I am pleased with our flourishing ties with the Joint List'*⁹⁹⁶

The Green Party acted as expected from transnational advocacy actor as two weeks after the meeting with the Joint List delegation in Brussels; the left-wing bloc in the European Parliament sent a letter to senior EU officials against the 'nation- state bill' saying it discriminates against the Arab citizens. Remarkably, the statement was signed by the 189-member Group of the Progressive Alliance of Socialists and Democrats (S&D) in the European Parliament, and reads as follow:

*'We express our deep concern over the nation-state bill currently under debate in the Knesset, which can be interpreted as an attempt to deepen and legalize systemic discrimination against the Palestinian Arab minority in the country'*⁹⁹⁷

The letter was also sent to the EU Representative for Foreign Affairs Federica Mogherini, and to European Parliament President Antonio Tajani. In The progressive MEPs stress the obligation of the EU of pressuring Israel to stop

⁹⁹⁵ Lahav Harkov, "Israeli-Arab Law makers Encourage EU To Cut Trade Agreement With Israel", *The Jerusalem Post* | *Jpost.Com*, 2017, <https://www.jpost.com/Arab-Israeli-Conflict/Israeli-Arab-law-makers-encourage-EU-to-cut-trade-agreement-with-Israel-513718>.

⁹⁹⁶ "EU Must Recognise Palestinian Citizens Of Israel And Their Struggle For Equality - GUE/NGL - Another Europe Is Possible", *Guengl.Eu*, 2017, <http://www.guengl.eu/news/article/eu-must-recognise-palestinian-citizens-of-israel-and-their-struggle-for-equ>.

⁹⁹⁷ Lahav Harkov, "European MPs: Jewish Nation-State Bill Legalizes Systemic Discrimination", *The Jerusalem Post* | *Jpost.Com*, 2017, <https://www.jpost.com/Israel-News/European-MPs-Jewish-nation-state-bill-legalizes-systemic-discrimination-515848>.

the legislation of the 'nation state law' due to its undemocratic implications on the Arab minority. Therefore, they urged:

*'to raise their voice and to make it explicit that the adoption of this bill in its current shape against the strong protests of the Palestinian Arab community constituting one-fifth of the population is incompatible with the basic values of EU-Israel relations and with the image of Israel as a solid democracy in the Middle East'*⁹⁹⁸

This support from the European Left bloc was also received from the OECD officials. In the same week of their visit to the EU, the delegation of the Joint List also met with OECD Chief Angel Gurría at the organisation's headquarters in Paris. It was the first meeting between the Secretary-General and Israel's Arab leadership. They urged him to pressure the Israeli government to implement the OECD recommendations that call for the improvement of the Arab community. Gurría expressed his sympathy to their cause and declared that the OECD would consider monitoring the budgets that are allocated for Israel's Arab community.⁹⁹⁹ Clearly, Arab MKs received a moral support from the OECD. Yet, according to the literature of TAN, as long as the European declarative sympathy is not translated into any economic pressure on Israel (economic leverage), it is unlikely to expect a meaningful shift in Israel's behaviour.

Like Odeh's and Tibi's meetings, the visit of the Joint List delegation to the EU was criticised by the Israeli media and MKs from right and left centre parties. Likud right wing party MK Anat Berko said:

*'They're using their diplomatic passports and immunity to work against Israel... EU is motivated by 'pure anti-Semitism' to intervene in Israel's affairs, and the Joint List MKs are 'a cheerleading squad' encouraging them'*¹⁰⁰⁰

Criticisms were also raised from the Israeli left-centre party Zionist Union. MK Itzik Shmuli who also criticises the government for promoting what he describes

⁹⁹⁸ "European MPs: Nation-State Bill Legalizes Systemic Discrimination | Communist Party Of Israel", *Maki.Org.II*, 2017, <http://maki.org.il/en/?p=13304>.

⁹⁹⁹ Jack Khoury, "OECD Chief Meets Israeli Arab Leaders, Warns Of Inequality Between Jews And Arabs", *Haaretz.Com*, 2017, <https://www.haaretz.com/israel-news/oecd-chief-meets-israeli-arab-leaders-warns-of-inequality-with-jews-1.5465058>.

¹⁰⁰⁰ Lahav Harkov, "Israeli-Arab Law makers Encourage EU To Cut Trade Agreement With Israel", *The Jerusalem Post | Jpost.Com*, 2017, <https://www.jpost.com/Arab-Israeli-Conflict/Israeli-Arab-law-makers-encourage-EU-to-cut-trade-agreement-with-Israel-513718>.

'anti-democratic policies', believes that the Joint List MKs' international actions are harmful to the State:

*'It's not clear to me if such extreme and unfounded statements are meant to improve their reality, or their political situation...we have many challenges in eradicating inequality and discrimination, but Israel has taken major steps toward integrating minorities in society, and it would be unfortunate to try to destroy those efforts... attempts to isolate Israel 'are not meant to promote peace and dialogue; rather, they're meant to demonise Israel and lead us all to a dead end, strengthening extremists'*¹⁰⁰¹

It is worth noting that one month after the Joint List visit to the EU, in December 2017, in unprecedented move, the Israeli Prime Minister Benjamin Netanyahu visited the European Union headquarters in Brussels and met with the 28 EU foreign ministers. It was the first visit by an Israeli Prime Minister to the Belgian city in twenty-two years.¹⁰⁰² This visit followed also the U.S. President Donald Trump's decision to recognise Jerusalem as Israel's capital. So, it might be said Netanyahu has made this historical diplomatic visit to the EU to pacify European criticisms against Israel's policies in relation to the Palestinian question in general and the Palestinian minority in particular, and to signal a message that the Israeli- European ties remain strong.

Indeed, the relation the EU is Israel's greatest partner in security economic cooperation. In 2010, Israel became a member country of the OECD, the most prestigious European economic bodies, and it cooperates with the EU in fields such as science, research and trade. Furthermore, it is noted that Israel is the only non-European full participating member country of the 'Eureka initiative', the largest R&D pan-European network in the world.¹⁰⁰³ Yet, a closer look at the Israeli- EU diplomatic relations reveals that Israel's political-diplomatic relations with the EU are not strong as their economic ties, and they are more complicated, and have been mutually frosty since the election of the Israeli Prime Minister Benjamin Netanyahu in 2009. For example, the year 2014 witnessed deterioration in the EU-Israeli diplomatic relations when most EU

¹⁰⁰¹ Harkov, "Israeli-Arab Law makers Encourage EU To Cut Trade Agreement With Israel".

¹⁰⁰² "PM Netanyahu First Israeli PM To Visit The European Capital In Over 20 Years", *Embassies.Gov.II*, 2017, <http://embassies.gov.il/eu/NewsAndEvents/Newsletter/Pages/PM-Netanyahu-first-Israeli-PM-to-visit-Brussels-in-over-20-years.aspx>.

¹⁰⁰³ *OECD Economic Surveys: Israel 2009* (OECD, 2009).

countries recognised a Palestinian state against Israel's expressed will.¹⁰⁰⁴ One year later, in November 2015, the Union instructed its member states to label Israeli settlement products and announced they could not be marked as Israeli products.¹⁰⁰⁵ This move caused a lot of anger in the Israeli side as officials considered it as anti-Semitism act, and called to curtail ties with the European Union.

Additionally, the EU has increasingly been at odds with Israel on several key issues such as its opposition to the nuclear agreement with Iran, recognition of Jerusalem as the capital of Israel,¹⁰⁰⁶ and over its activities in the West Bank and Gaza. The Union has also recently urged Israel not to demolish the Palestinian Bedouin Village of Khan al-Ahmar, which is located in the area of East Jerusalem.¹⁰⁰⁷ It is believed that the EU opposition to Israeli policies on the Palestinian issue (e.g. settlement expansions), and the disagreement on the Iranian nuclear deal have been key sources of tensions in the bilateral relationship and affected Israel's international standing.¹⁰⁰⁸ Accordingly, it is expected that the 2017 visit of the Joint List of Arab MKs to the EU would receive a diplomatic benefit and sympathy that already exists towards the Palestinian issue.

'Internationalisation'.

The efforts of the Joint List members proved to be successful in translating the European sympathetic they gain into actual attempts to pressure Israel to stop the legislation of the nation state law. On July 12, 2018, it was revealed in the Israeli media that the EU Ambassador Emanuele Giaufret spoke with members of the ruling Likud Party who are involved in promoting the nation state law and

¹⁰⁰⁴ Ishaan Tharoor, "Map: The Countries That Recognize Palestine As A State", *Washington Post*, 2014, https://www.washingtonpost.com/news/worldviews/wp/2014/11/07/map-the-countries-that-recognize-palestine-as-a-state/?utm_term=.e77f981e2b63.

¹⁰⁰⁵ "EU To Label Israeli Settlement Goods", *BBC News*, 2015, <https://www.bbc.co.uk/news/world-europe-34786607>.

¹⁰⁰⁶ "Statement By High Representative/Vice-President Federica Mogherini On Violence In Gaza And Latest Developments - EEAS - European External Action Service - European Commission", *EEAS - European External Action Service*, 2018, https://eeas.europa.eu/headquarters/headquarters-homepage/44510/statement-high-representativevice-president-federica-mogherini-violence-gaza-and-latest_en.

¹⁰⁰⁷ "Motion For A Resolution On The Threat Of Demolition Of Khan Al-Ahmar And Other Bedouin Villages - B8-0384/2018", *Europarl.Europa.Eu*, 2018, <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B8-2018-0384&language=EN>.

¹⁰⁰⁸ Charles D. Freilich, *Israeli National Security: A New Strategy For An Era Of Change* (New York: Oxford University Press, 2018).

warned them of the implications of such a legislation on Israel's democratic standing in the world. According the same report, Giaufret referred specifically to the controversial Article 2 of the law that allows separate settlements and tried to convince the Israeli lawmakers not to vote for the law. One of the Israeli MKs said that the EU ambassador said in a conversation:

*'The law distances Israel from the accepted norms in democratic countries. The Law has a racist odour, discriminates against groups and especially Israeli Arabs and harms the values that the State of Israel is trying to project'*¹⁰⁰⁹

The Israeli media acknowledged that the European intervention in the law was as a result of the endeavours of the Knesset members of the joint list and referred to their meeting with EU representatives in Brussels, countries such as Belgium and France, and meetings with senior EU representatives in Israel. ¹⁰¹⁰

Backlash.

Following the publication in the media, the Israeli Prime Minister Benjamin Netanyahu, who also serves as Foreign Minister, instructed Foreign Ministry Director-General to summon the ambassador for a second reprimand and intends to take further steps. The Prime Minister's Office said in response:

*'It is not enough that the European Union funds NGOs that fight against the State of Israel and finance illegal construction, now it is interfering in Israeli legislation ... apparently they do not understand that Israel is a sovereign state'*¹⁰¹¹

The European attempts to pressure the Israeli government to stop the legislation of the nationality law have failed, and eventually the law passed in the Knesset as will be detailed below. At this level, it is important to notice that the spiral model does not offer a phase that reflects a possible deterioration in the state- minority relations after any internationalisation attempt. Hence, this study suggests (similarly to the al-Ard case study) the concept of 'repression

¹⁰⁰⁹ Yaron Avraham, "The European Union: The Nationality Law Has A Racist Odour", *Mako*, 2018, https://www.mako.co.il/news-military/israel-q3_2018/Article-8f796af547f8461004.htm. [in Hebrew]

¹⁰¹⁰ Avraham, "The European Union: The Nationality Law Has A Racist Odour".[in Hebrew]

¹⁰¹¹ Avraham, "The European Union: The Nationality Law Has A Racist Odour". [in Hebrew]

plus' to overcome this shortcoming. It is also important to clarify that while the Arab minority consider the law as a further deterioration on the spiral model, it is a huge achievement from the State's perspective. Anchoring the Jewishness identity of the Israeli State in a law is a fulfilment of the Zionist dream, even though the promise of equality for minorities is not guaranteed in this law or in other laws.

'Repression plus'.

On July 19, 2018, the 'nation-state law' passed by a majority of 62 MKs against 55 and two abstentions.¹⁰¹² The law passed as one of the so-called Basic Laws, which is similar to a constitutional status and considered above ordinary legislation underpin Israel's legal system, and more difficult to repeal than regular laws.

The legislation of the new law could be seen as 'repression plus' from the Arab leadership's point of view because the status of Arabic is now downgraded to a language with a 'special status'. From their perspective, even when Arabic was officially defined as a second formal language of the state, many governmental ministries did not have Arabic language websites, or had only partial information in Arabic. The nationality law worsens this situation by explicitly exempting the state from its obligation to provide official governmental information in the Arabic language unless there will be a specific legislation regarding this issue.¹⁰¹³

Also, in the final version, clause Section 7B of the law, which previously allowed the person not to be accepted to settle based on his nationality or religion, still emphasises the importance of Jewish settlement but without explicit prohibition against members of another nation being members of the community.¹⁰¹⁴ Yet, this Section of the law still seen as allows for prioritising Jews' access to land which is in fact a further deterioration in the status quo of the 2011 controversial

¹⁰¹² "Knesset Passes Jewish Nation-State Bill Into Law", *Knesset.Gov.II*, 2018, https://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=13979.

¹⁰¹³ "Knesset Passes Jewish Nation-State Bill Into Law", *Knesset.Gov.II*, 2018, https://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=13979.

¹⁰¹⁴ Amit Segal, "After The Storm: A New Version Of The National Law", *Mako*, 2018, https://www.mako.co.il/news-military/politics-q3_2018/Article-6ef7fdc76158461004.htm. [in Hebrew]

legislation of the 'Admissions Committees Law'¹⁰¹⁵ that allows small communities to hold admissions committees on the basis of 'adapting to the social fabric of the community'. Although the 2011 law explicitly stated that a person might not be discriminated against because of race, nationality, religion, etc., it is considered as one of the most racist laws against Arab citizens. So, it is argued that the new law of nationality establishes even a far more extreme norm, which explicitly allows the establishment of a community based on nationality [the Jewish one].¹⁰¹⁶

Furthermore, the 'Nation state law' includes two significant political elements that are related to issues that are at the core of the Palestinian question. Firstly, the same clause 7B that stresses the importance of 'development of Jewish settlement as a national value' is open to interpretation that allows expansion of settlement in the Occupied West Bank Territories. Also, anchoring the status of Jerusalem under Israeli law as the 'complete and united capital of Israel' while Jerusalem under international law, while East Jerusalem is claimed as the capital of a future Palestinian State. Therefore, Palestinians consider this law as a further deterioration in the tense relations with Israel. In this sense, the Former Chief Palestinian Authority negotiator Saaeb Erekat stated that the nationality law 'aims at destroying the Two-State Solution and replacing it with an apartheid regime'.¹⁰¹⁷

Unsuccessful internationalisation.

Notably, the EU's major criticism following the legislation of the 'Nation-State Bill' focused on its implications on the Palestinians who reside in the Occupied Territories (OT) in the context of the Two State Solution. According the statement that was released on behalf the EU Foreign Affairs Chief Federica Mogherini:

'We are concerned, we have expressed this concern and we will continue to engage with Israeli authorities in this context... we've been

¹⁰¹⁵ "Israel: New Laws Marginalize Palestinian Arab Citizens", *Human Rights Watch*, 2011, <https://www.hrw.org/news/2011/03/30/israel-new-laws-marginalize-palestinian-arab-citizens>.

¹⁰¹⁶ "Everything You Wanted To Know About The Law Of Nationality", 2018, <https://www.idi.org.il/articles/24220>. [in Hebrew]

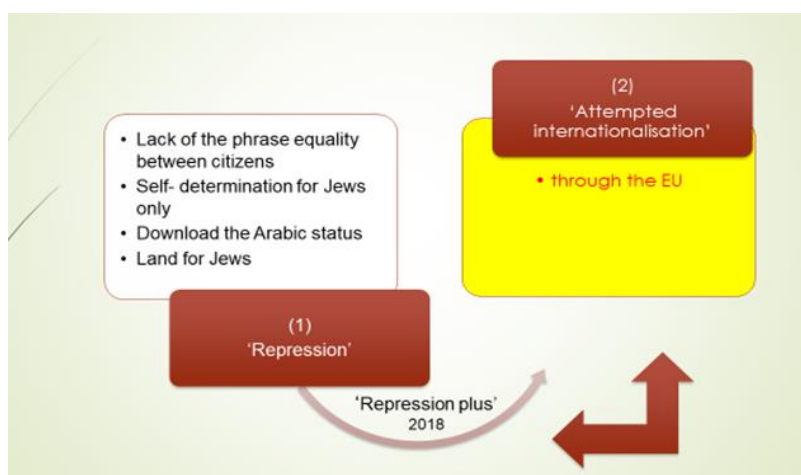
¹⁰¹⁷ Elad Benari, "Erekat: Nationality Law Destroys The Two-State Solution", *Israel National News*, 2018, <http://www.israelnationalnews.com/News/News.aspx/249430>.

very clear when it comes to the two-state solution, we believe it is the only way forward and any step that would further complicate or prevent this solution of becoming a reality should be avoided' ¹⁰¹⁸

Mogherini's statement shows that the Union has accepted the Israeli official stand, which rejected criticisms related to the political status of its Arab minority. Therefore, in order to avoid a diplomatic clash with Israel, it refrained from commenting on the impact of law on the Arab citizens. In other words, the Arab MKs efforts in this case study failed even to mobilise European moral leverage. The disappointed European declaration did not stop the Arab political elite from continuing their international efforts to find allies who can pressurise Israel to cancel the law. Accordingly, a new international battle started, as will be described follow.

Case study (8)

Figure 16: 'The Nation State-Law'



Second time internationalisation attempts of the 'nation state law'.

Despite the failure of the previous internationalisation attempts to stop the legislation of the Nationality law, Arab Knesset members decided to continue to conduct the tact of personal diplomacy with the senior figures at the UN and top European officials in attempt to pressurise Israel to cancel it. Following is a brief summary of their diplomatic actions after the legislation of the law:

¹⁰¹⁸ "EU Expresses Concern Over Israel's Jewish Nationality Law", *Ynetnews.Com*, 2018, <https://www.ynetnews.com/articles/0,7340,L-5313189,00.html>.

- In August 2018, Arab MKs including Aida Touma-Sliman and Yousef Jabareen from the Joint Arab List met with UN Under-Secretary-General for Political Affairs Rosemary DiCarlo in New York to discuss the implications of the Nationality Law on the life of Arab citizens in Israel.¹⁰¹⁹ Their visit was highly criticised by political figures from both the Right-Wing and the Left-centre Parties and Arab MPs had to justify themselves.¹⁰²⁰ For example, in August 2018, MK Oded Forer from the right wing Yisrael Beiteinu Party, requested Israel's Attorney General to investigate Arab lawmakers for seeking the United Nations intervention against Israel's controversial 'Nationality Law'. In his petition, Forer argues:

*'Unlike most Knesset members, who generally represent Israel's interests in other parliaments and at the United Nations, Knesset members from the Joint List [Israel's sole Arab political Party] are working in the international arena as the Palestinians' representatives while exploiting their status to harm Israel and undermine its foreign relations... many other instances in which Joint List Knesset members have worked to harm Israel and contrary to the country's national interests'*¹⁰²¹

Forer's based his request on the Israeli penal code, which allows the imposition of a ten years jail sentence for 'deliberately damaging ties between Israel and another country, organization or institution'. MK Forer also asked the Knesset Ethics Committee to take punitive act against MKs of the Joint List.¹⁰²²

- During September 2018, Joint List leader MK Ayman Odeh met with EU Foreign Policy Chief Federica Mogherini in Brussels, and urged the EU official to condemn the legislation of the bill. It was the first time an Arab MK have such a high-level meeting with European official. Yet, shortly

¹⁰¹⁹ "Arab Israeli Mks Said Set To Appeal To EU To Oppose Jewish Nation-State Law", *Timesofisrael.Com*, 2018, <https://www.timesofisrael.com/arab-israelis-said-to-appeal-to-eu-to-oppose-jewish-nation-state-law/>.

¹⁰²⁰ "Cabinet Minister: Charge Hadash Mks With Treason For Involving UN", *Maki.Org.II*, 2018, <http://maki.org.il/en/?p=16041>.

¹⁰²¹ Jonathan List, "Israeli Law maker Calls To Investigate Arab Politicians For Taking Nation-State Law To UN", *Haaretz.Com*, 2018, <https://www.haaretz.com/israel-news/.premium-mk-calls-to-investigate-arab-politicians-for-taking-nation-state-law-to-1.6428425>.

¹⁰²² List, "Israeli Law maker Calls To Investigate Arab Politicians For Taking Nation-State Law To UN".

following the meeting, Mogherini's office released a statement that was disappointed to the Arab parliamentarians:

*'The Nation-State Law is first and foremost a matter of how Israel chooses to define itself, and we fully respect the internal Israeli debate on this'*¹⁰²³

Mogherini's statement shows a shift in the European stand towards the nationality law, which is now seen as supportive to Israel. This declaration was described in the Israeli media as a moral victory for Israel and a failure for Odeh's personal diplomacy.¹⁰²⁴

- In parallel to Odeh's meeting with Mogherini, a group of the Joint List members met in Luxembourg with top European officials including ambassadors to the EU of every European country, members of the EU parliament, and Luxembourg's Foreign Minister Jean Asselborn.¹⁰²⁵
- In September 2018 MK Tibi and Zahalka met with Ahmad Abu Al-Ghait, Arab League Secretary General, and for the first time, Tibi held a speech there on behalf the Arab citizens in the League of Arab States.¹⁰²⁶

The recent developments show that on August 2018, the United Nations Special Rapporteur on Minority Issues, Fernand de Varennes, has started official proceedings to investigate a complaint against Israel in relation to the impact of the 'nation state law' on the Arab citizens in Israel. It is noted that this move was as a result of a complaint submitted by the High Follow-Up Committee for Arab Citizens of Israel.¹⁰²⁷

¹⁰²³ Martin Oliner, "The Jewish Nation-State Law Outside Politics", *The Jerusalem Post | Jpost.Com*, 2018, <https://www.jpost.com/Opinion/The-Jewish-Nation-State-Law-outside-politics-566970>.

¹⁰²⁴ Martin Oliner, "The Jewish Nation-State Law Outside Politics", *The Jerusalem Post | Jpost.Com*, 2018, <https://www.jpost.com/Opinion/The-Jewish-Nation-State-Law-outside-politics-566970>.

¹⁰²⁵ Moran Azolay, "Joint List Mks Discuss Nation-State Law With Arab Chief", *Ynetnews.Com*, 2018, <https://www.ynetnews.com/articles/0,7340,L-5348076,00.html>. During the meeting, MKs Ahmad Tibi, Jamal Zahalka, Yousef Jabareen, Masoud Ghanaim and Taleb Abu Arar demanded the EU condemn and act against the law.

¹⁰²⁶ "For The First Time, Palestinians In Israel Host Senior UN Official", *Middle East Monitor*, 2018, <https://www.middleeastmonitor.com/20180510-first-the-first-time-palestinians-in-israel-host-senior-un-official/>.

¹⁰²⁷ "UN Investigation Into Israel's 'Nation-State' Law", *Middle East Monitor*, 2018, <https://www.middleeastmonitor.com/20180806-un-investigation-into-israels-nation-state-law/>.

6.4 case study comparison

The three aforementioned case studies show the deep desire of Arab MKs to put their demands and narrative on the international diplomatic agenda. Unlike Case study eight (the Joint List delegation to the RU) that largely focused on the 'nation-state law', both Case Study Six (Tibi's meeting with officials at the White House), and Seven (Odeh's meeting with Ban Kamoon) were unfocused and referred to wide range of daily life issues such as 'unrecognised' Bedouin villages, demolition of homes, the issue of 'anti-democratic laws', and economic gaps between Arab and Jewish citizens. Also, while these cases the internationalisation attempts led by individual MKs, the last case study represented a collective action that included several MKs, and a local Arab NGO provided MKs with network to promote their views and preferences. When Arab MKs linked to NGO that already formed partnerships with the EU, this provided them with more credibility and access to the EU, thereby greatly amplifying their impact. This represented an organised form of collective action and cooperation between different Arab political parties on one side with an Arab local NGO on the other and benefited from its network with the European Greens. It proved the effectiveness of the Arab NGO Mossawa as a local transnational advocacy network. Arab MKs showed that they are not only seeking declarative sympathy to their cause as they explicitly called on Europe to use its economic leverage on Israel. Notably, the personal diplomacy of the Joint List was very effective in generating political support from some representatives of the EU for their position, but it did not result in political action, including the use of significant economic pressure, to achieve a substantial real modification of the behaviour of the Israeli state.

When compared the results of internationalisation attempts in the last case study in relation to the 'Nation state law' (repression plus) with those of the case study five, the 'Praver Plan' (tactical concession plus), remarkable differences could be found. Although 'Nation state law' includes a critical article that carries high potential of negative influence on the land's access for Arab citizens, there was no strong opposition and voices from the Arab young generation such as those who were dominant against the Praver Plan (e.g. Alhirak alshababi).

Secondly, in contrast to the series of local demonstrations that pre-empted the internationalisation of the 'Praver Plan', and continued until shelving the Plan, there was not even one local demonstration that pre-empted the internationalisation of the nationality law. On the contrary, the direct progression of a series of events that included ripping the proposed law to shreds in the Knesset plenum and the mass demonstration in August 11, 2018 Tel Aviv were promoted after approving the law. Thirdly, the internationalisation of the 'nation state law' led by Arab parliamentarians (personal diplomacy) with the help of Arab NGO, rather than NGOs advocacy as in the case of the 'Praver Plan'. Finally, unlike the 'Praver Plan' that was explicitly directed to regulate the 'unrecognised' Bedouin lands, the 'Nation state law' aimed in the first place to anchor the Jewish identity in state's law based on previous international recognition, that is the 1947 UN Partition Plan.

Figure 18: Comparison between spiral model results for case studies between 2015-17

Comparison between case studies 2015-2017 'Personal diplomacy'			
	Case study 6	Case study 7	Case study 8
Reasons for Internationalisation	<ul style="list-style-type: none"> ▪ Wide range of issues 	<ul style="list-style-type: none"> ▪ Wide range of issues 	<ul style="list-style-type: none"> ▪ Four issues: ▪ The 'Nation State Law' ▪ 'unrecognised' Bedouin villages
Key issues	<ul style="list-style-type: none"> ▪ Individual action 	<ul style="list-style-type: none"> ▪ Individual action 	<ul style="list-style-type: none"> ▪ Collective action
Key Players	<ul style="list-style-type: none"> ▪ MK Ahmad Tibi 	<ul style="list-style-type: none"> ▪ MK Ayman Odeh 	<ul style="list-style-type: none"> ▪ The Joint List and Mosawaa
Internationalisation pattern	<ul style="list-style-type: none"> ▪ Meeting with seniors at The White House 	<ul style="list-style-type: none"> ▪ Meeting with seniors at the UN 	<ul style="list-style-type: none"> ▪ Meeting with seniors at the EU and OECD
TAN	<ul style="list-style-type: none"> ▪ No TAN 	<ul style="list-style-type: none"> ▪ PLO 	<ul style="list-style-type: none"> ▪ The EU Green Party
Spiral model phase	<ul style="list-style-type: none"> ▪ Phase 1: 'Repression' 	<ul style="list-style-type: none"> ▪ Phase 1: 'Repression' 	<ul style="list-style-type: none"> ▪ Phase 1: 'Repression plus'

6.5 Conclusion

This chapter showed that Arab MKs are no longer domestic or exclusive actors within the Israeli parliament and that they are highly seeing their role beyond it. In this study, the concepts of parliamentary diplomacy or public diplomacy cannot reflect the internationalisation attempts led by of Israel's Arab MKs. Their role in international spheres seems to contradict Israel's foreign policy. Not only that they are not taking part in increasing mutual understanding between Israel and other countries,¹⁰²⁸ in fact, their cross-borders activities aim to increase criticism and pressure on the Israeli government in order to change its 'unfair' policies towards their constituencies. Therefore, the author of this study suggests inserting the concept 'personal diplomacy' to describe the exceptional role of opposition members of parliament especially those from minority ethnic groups as significant forces in the process of the internationalisation process, or as part of local transnational advocacy network in the language of the spiral model.

They are playing a noticeable role in bringing the voice of 'their people' to key foreign officials and institutions that are proud of democracy values and human rights such as the UN and EU, as well as appropriate channels in the US. Their appeals to the international community to ameliorate the discrimination they faced take the form of personal diplomacy. This trend is facilitated by Arab leaders having become empowered (i.e. more experienced and united in one political party), and become more open to cooperate with professional Arab NGOs. The results show that the creation of the Joint List following the 2015 election was a significant change that contributed to their work as transnational advocacy actors, and increased foreign attention towards the cause of the Arab society in Israel.

The development of their international parliamentary advocacy especially since the establishment of the Joint List, despite their limited power and resources, reflects their determination to draw international attention to the

¹⁰²⁸ Tal Shalev and Yaki Admaker, "Delegations, Only Two Arabs: The MKs Who Are Not Sent To Represent Us Abroad", *Walla*, 2016, <https://news.walla.co.il/item/2987299>.

disadvantaged status of the Arab minority. Like Arab NGOs, they also believe that international law is an important tool that can facilitate the attainment of their civil and national goals. Therefore, they are calling to investigate Israel's adherence to international guidelines on citizenship and minority rights issues. They are considering this move as a legitimate and peaceful protest on what they termed Israel's 'systematic institutionalised discrimination', and base their claims on legal bilateral agreements. Their sharp critics referred to a wide range of local problematic issues pertain to the daily life of the Arab society in Israel that the Israeli government would prefer to keep as internal issues. It is noticeable that on international stages, the Arab MPs are focusing on civil and human rights aspects and less on the political/national demands.

Out of all the three case studies, the EU and OECD were the most criticising bodies of Israel's policies towards the Arab citizens. Both the White House and the UN did not vow any specific declaration or actions following their meetings with MKs Tibi and Odeh. This can be explained by the fact that the Arab MKs were using a diplomatic process to raise their concerns that is the preservatives of states. From the point of view of the UN bureaucracy, the Arab MKs have no standing because their government is not involved, and the Palestinian diplomats represent a separate entity and thus also have no standing with respect to an internal Israeli matter. The meetings with EU representatives and members of the US government did not have such a formal status and therefore there was no issue about the Arab MK delegation being received.

Clearly, against the state network, Arab MKs develops their own network. The fact that they managed to engage in high-profile diplomatic meetings is something that cannot be taken as granted. The support they received from the EU, and the fact that they had 'open doors' at UN and the U.S. and agreed to hear about their situation first-hand, is to a great extent a political achievement and important step for telling their narrative. Nonetheless, if the West and the U.S. do not pose any clear position regarding Israel's Arab minority in their foreign policy, the process of the internationalisation would continue to have a low meaningful impact. Also, the results show that collective action of diplomacy that involved civil society representative had more impact than personal ones. It

would be unrealistic to ignore the role that populist motives are playing in this process especially when the talk is about individual activities. However, it is clear that the international move is a by-product of Israel's treatment of the Arab citizens, and due to their limited political power and ability to make a local change.

Due to its newness, it would be difficult to draw conclusions regarding the effectiveness of the 'personal diplomacy' as an internationalisation strategy in relation to the third period (2015-18). It is more likely to see results on the long term. The real impact of this phenomenon on Israel is still unclear, and results are to be seen on the long term. To this point even when Arab legislators succeeded to attract a foreign elite sympathy, it did not go beyond the declaration level and did not achieve any actual legal ramification on Israeli governments. However, they undoubtedly succeeded to put the issue of the Arab citizens on the international agenda at times where more pressing issues are more likely to be the main focus of the international community. The results of this study also show that the internationalisation process is not a zero sum game; on one hand, turning up to external bodies did not guarantee help to Arab citizens such as in the case of the 2016 UN personal diplomacy and memorandum, meanwhile it exposed a gap between Israel's bilateral relations in military and economic spheres, and its political- diplomatic ties (e.g EU criticism).

In contrast to prevailing opinion in Israel, shaming and working against the interests of the state are not the aim of the internationalisation. International activities led by Arab MKs are legitimate due to both the Israeli and the international law, and for them, it is one of the democratic tools they can use in the hopes that it would find relief. Their protest against the 'state-nation law' was also criticised by Jews in Israel¹⁰²⁹ and worldwide,¹⁰³⁰ and condemned by other key figures in the international community who consider it to be disastrous to Israel's democratic character. However, as the evidences showed, the

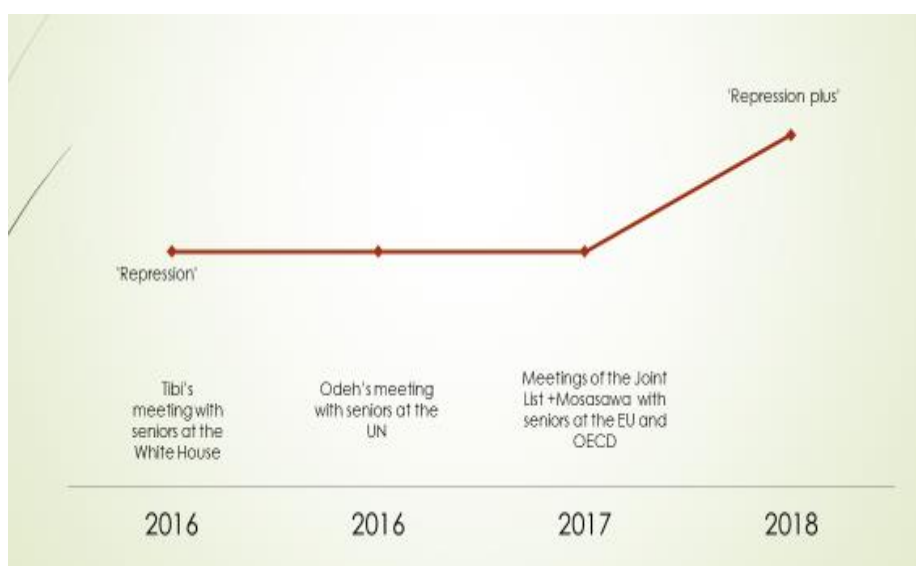
¹⁰²⁹ Mazal Mualem, "Outrage As Fight Over Israel's Nationality Law Reaches UN", *Al-Monitor*, 2018, <http://www.al-monitor.com/pulse/originals/2018/08/israel-danny-danon-ayman-odeh-united-nations-joint-list.html#ixzz5QyEmFkhS>.

¹⁰³⁰ Judy Maltz, "In Rare Rebuke, Jewish Federations Slam Israel's Nation-State Law As 'Step Back For All Minorities'", *Haaretz.Com*, 2018, <https://www.haaretz.com/israel-news/.premium-in-rare-rebuke-jewish-federations-slam-israel-s-nation-state-law-1.6340012>.

Israel's political elite, public opinion, and the mainstream media, all seem to give a serious attention to these initiatives and deem it a disloyalty to the state and as a 'shameful' tool that harm Israel's international reputation. Accordingly, these findings are in line with hypotheses 1.

Finally, the results suggest that there is a broad consensus among Arab lawmakers regarding the necessity of increasing the internationalisation through international personal diplomacy initiatives. These efforts are unlikely to cease in the coming years, and appear to be a real challenge to Israel's international image and reputation.

Figure 17: Summarising spiral model results for 2015-2018



Chapter 7: Conclusions

7.1 The results of the application of the spiral model

This study is concerned with the concept of internationalisation as a tool for disadvantaged minorities to affect change in their situation. This phenomenon has been studied widely with respect to authoritarian and democratic regimes. The current study has focussed on the state of Israel and the situation of the Arab minority.

In this particular case study, the analysis shows that internationalisation process whereby the Palestinian Arab citizens of Israel sought to reclaim their rights by invoking the support of the international community emerged in the 1950s. It came to be perceived as necessary because internal legal and political processes were understood to be insufficient to achieve any redress for their grievances. Although Israel identifies itself as a Jewish and democratic state, the construction of the Israeli identity and its implications for the operation of the Israeli state has resulted in a failure to fully integrate its Arab minority and has produced systematic violations of the human rights of Arab citizens of Israel. As a result, Israel can be conceptualised as a hybrid regime that has notable elements of democracy while lacking others. This is a consequence of several key factors. There remains a fundamental tension between the concept of Israel as a democracy, which would be by definition a secular state, and Israel as a Jewish state in which non-Jewish persons can be at best second-class citizens. This tension results in the contradiction between the commitment to an egalitarian society on the basis of democratic principles and the failure to actually establish and maintain it. Meanwhile, Israel's status as a democracy that embodies and adheres to the relevant norms is an important part of how the state seeks to be perceived in the international community and thus an element of its identity. This is part of the reputation that Israel seeks to maintain and therefore is a potential opportunity for challenging the conduct of the state.

Another factor is that conceptualised as a hybrid regime that has notable elements of democracy it remains a fundamental belief in Israel that the state has been under threat since its very creation as the state of emergency has never been lifted completely; the emergency regulations subject to certain adjustments have remained in effect until the current day. This means that the relations between the Israeli state and its Arab citizens have been distorted by the perception that national security concerns require the full rights of citizenship to be restricted for members of the Arab minority. However, the national security of the state can also be affected by a poor reputation in the international community, which plays a vital role in sustaining the existence of the state. This creates a space for Arab citizens to use internationalisation as a means to promote their cause.

Palestinian Arab political elites and civil society groups articulate a strategy designed to invoke the norms of democracy to question the conduct of the Israeli government with the purpose of bringing international pressure (moral and financial leverage) to bear on the Israeli state to change its discriminatory policies towards the Palestinian Arab citizens of Israel. They find it necessary to lobby the UN and other international human rights organisations alongside European governments and the United States to achieve egalitarian democracy, and to counter the narrative offered by the Israeli governments on the world stage about their political status.

The study sought to answer the following key research questions:

1. How can the origins and the purposes of internationalisation be explained?
2. To what extent did the process of internationalisation achieve its expected objectives and how can its success or failure be evaluated?

In order to gain a deeper understanding of the process of internationalisation and its results, it seemed appropriate to use the spiral model that has been developed to understand the consequences of internationalisation for

authoritarian regimes and later for democracies shortcomings. The model itself does not require the regime in question to be authoritarian in a full sense, but assumes that there are some violations of the rights of citizens that are deemed contrary to the principles of liberal democracy. This study applied the spiral model to a number of specific case studies that yielded various results that will be concluded in the next section.

The internationalisation strategy is seen to undergo a profound transformation from public memoranda, to civil and legal advocacy by invoking international conventions and treaties and finally to personal diplomacy. The results show that it is not a zero sum game; it is an especially effective method in different ways and with varying degrees of success. It created awareness of their situation and an extension of the critique of Israel's treatment of Palestinians in the Occupied Territories to the Arabs inside Israel. Using the international law in its modality of legal advocacy as a mechanism of internationalisation to compel the Israeli state to adhere to the commitments it had made by acceding to an international convention, proved to be more effective than mere political pressure. Yet, another factors such as the nature of the claims, geopolitical circumstances, global momentum, and domestic politics were crucial for moving the dynamics towards the fifth phase of the spiral model 'rule consistent behaviour'. In theory, reaching the fifth phase of the spiral model should indicate a meaningful change in the policies of the regime in question. However, it was not the case in this current study. Israel's respect for the international law was uttered by utilitarian justification attempt to protect its reputation, and its response varied in particular cases to minimise external critics. The 'Nation-State Law' of 2018 strengthens the fundamental contradiction between its democratic character and its Jewish-Zionist character, and as long as the identity and the structure of the state are not transformed to meet universal equality of all citizens, the exiting international regulatory mechanisms for state-minority relations would continue to be ineffective in the case of the Palestinian citizens.

It is the first comprehensive investigation into a selected series of case studies that document international appeals made by the plight of the Palestinian Arab elite in Israel due to three chronological periods: 1948-1979, 1992- 2013 and 2015 onwards. On a theoretical level, it is the first time that the spiral model has been tested in the context of Israel and its Arab minority. This can serve as a strategic source for Arab MKs and NGOs.

The first subsidiary research question concerns the factors that gave rise to the internationalisation process and its modalities. For convenience, the process of internationalisation has been considered with respect to three distinct time periods.

The first period (1948-1979)

During the first period (1948- 1979) Arab representatives relied on the use of 'public memoranda' as a means of internationalisation. In the first case study of the, the first phase of the spiral model 'repression' started with the beginning of the Military Government in 1948. The outrage among the Arab minority about the Kufr-Qassim Massacre attacks against Arab citizens that inflicted considerable casualties (49) compelled an Arab politician to seek a new means to address such issues as the Israeli government and judicial system did not meet any of the Arab demands. The purpose was to generate international pressure for Israel to end the military government and the discrimination of Arab citizens in Israel. It is important to note that following the atrocity and before any internationalisation attempts, there was an unexpected move from 'Denial', the second phase of the spiral model, to 'Tactical concession', the third phase. While the former move took an 'utilitarian justification' form with the state indicating that the tragic events of 1956 occurred unintentionally while trying to protect the Arab citizens, the latter was through the announcement of establishing an Enquiry Committee to investigate the massacre. This progression on the model is unusual because it occurred prior to any attempt to apply internationalisation and may be explained as a characteristic of a hybrid regime as applied by the author in this study. In other words, the norms embodied in the construction of the democratic state that Israel claimed to be

were sufficient to induce a 'tactical concession' even prior to any internationalisation and external pressure.

Although the government issued a type of admission, Arab citizens viewed this statement with distrust. This meant that in reality, the Arab population considered the situation to be still at stage one, 'repression'. Nevertheless, the admission did have one positive outcome; because the state admitted the massacre, local debate accelerated international debate and resulted in the instigation of the internationalisation process. This involved the leadership of the Arab MP 'Tubi' and the influence of communism through the connection with the Soviet Union with the expectation that the Soviet Union as a global power by its ideology ostensibly committed to support oppressed minorities would use its influence in international institutions. The process moved to stage two, 'denial' that again took the form of 'utilitarian justification' by the Israeli government. This internationalisation process gave rise to military trials (1958) for those responsible for the 1956 massacre, responding to international criticism, which can be described by level three of the model, 'tactical concession'. Recent events indicate progress beyond tactical concession, suggesting 'tactical concession plus' with reference to the 1956 massacre in that the original investigation is once again being debated on the national stage and Israeli presidents have and are attending memorial services for the victims, although no formal apology has yet been issued.

While the specific international petition about the Kufr-Qassim reached 'tactical concession plus' (a phase that so far was not acknowledged in the original spiral model), a progress toward the fourth (prescriptive status) and the fifth (rule-consistent behaviour) phases occurred regarding the military regime. In the late 1950s, the Israeli government was subject to a combination of both internal pressure and external criticism. Local protests escalated as the population, angered by the military government and the military trial of 1958, demanded change. It is crucial to note that these protests involved not only Arab citizens, but also Jewish liberal forces alongside support from Israeli right wing figures. This unrest contributed to the resignation of David Ben-Gurion (Prime Minister), and his replacement by a more moderate less security focused

minister, Levi Eshkol. The new Israeli leadership was more inclined to pay heed to protests against the abuse of armed force and disregard for minority rights. At the same time it could be argued that Israel had achieved its three original aims, decided upon the creation of the Israeli state. It had secured a stable economy, land and national security. In addition, human rights were being debated globally. All these factors contributed to the shift to phase four of the model (prescriptive status). This manifested itself in the accession to three international agreements: ICERD 1965, ICCPR 1966, ICESR 1966. Immediately after this, some severe restrictions on Arabs, such as freedom of movement and employment inequalities, were removed, although equality with Jews could not be claimed, and the Military Government came to an end in 1966. This would seem to reflect stage five of the model 'rule consistent behaviour' but it has to be mentioned that whilst military rule ended in Israeli territories, it was about to begin for Arab inhabitants in West Bank and Gaza Strip after the war of 1967. The gains by the Arab minority inside Israel did not extend to other Palestinian inhabitants of the newly occupied territories.

The second case study in the first period relating to the measures against the al-Ard movement 1964 reveals a different pattern of responses. In fact, we see a reverse progress along the spiral as the initial repressive measures against a publication were extended to the entire movement that it represented. This may be accounted for by two factors. First of all, banning a newspaper did not give rise to the same degree of international criticism as the use of armed force that resulted in the deaths of people. Secondly, the intermediary in this case that acted as the vector of internationalisation, the PLO, was itself relatively unknown at the time and did not carry any significant weight with international opinion (in particular by comparison with the Soviet Union). In other words, the factors that give rise to a change of behaviour as illustrated by the spiral model had no traction in this case. It is also important to recognise the importance of the Arab MP as a part of this process. In case study one, an Arab MP, who has been elected through a democratic process, would automatically receive recognition and acceptance locally, nationally and globally. This clearly enhanced the prospects for success more than the plea of an extra-parliamentarian movement.

The end of the Military Government over Israel's Arab citizens in 1966 signalled a new era of liberalisation of the Arab minority in Israel and has considerably reduced the shortcomings in the post-Ben-Gurion era. However, the Israeli policies of land confiscation and shooting Arab civilians continued into the mid-seventies.

The third case study from this period relates to the Land Day events in 1976 that consisted of Arab protests against 'the 1975 Galilee Development Plan' and the government effort to repress the protests that resulted in the killing of six Arab citizens by Israeli police. These events demonstrated that transition from the military (hybrid) regime to a democratic one was not a sufficient condition for what Risse and Sikkink call 'sustained behavioural change'.¹⁰³¹ The commitment of the Israeli state to international norms (ICERD 1965, ICCPR 1966, ICESR 1966) was undermined, and did not bring about fundamental alterations in its security policy toward the Arab minority.

The Israeli Government stated that this plan would positively support Arabs in Galilee. This reflected confiscation of both Arab and Jewish land with the argument that these areas would be more fairly redistributed. In reality, the application of the Plan would result in further hardship for the Arab population as more of their land was allocated to Jewish settlements as well as land appropriated by the Ministry of Defence for military practice purposes. A further form of 'repression' occurred following the 'Land Day' events, in late 1976 when a leaked document the 'Koenig Memoranda' outlined Israeli government strategies to weaken the rights of Arab citizens in both the Galilee and Negev region. Efforts to internationalise the situation consisted of the publication of the 'Black Book', which similar to Tubi's letter in 1956, to bring international public attention to evidence concerning Israeli violence against Arabs, and a direct letter being sent (1979) to the UN by NCDAL criticising the Galilee Development Plan which it termed 'Judaizing the Galilee'.

¹⁰³¹ Thomas Risse-Kappen, Steve Chapman Ropp and Kathryn Sikkink, *The Persistent Power Of Human Rights* (UK: Cambridge University Press, 2013).

The literature does not mention any response by the UN. However, it could be argued that the 1975 Land Day protests and subsequent book and publication invited international media interest. As such, the dynamics of these actions combined with continuous negotiation with the state resulted in the move from repression to 'tactical concession plus' over the following ten years because not only was the 'Galilee Development Plan' not actually implemented but some previously confiscated land was returned by the state to its Arab owners, and the policy of land confiscation has stopped. Yet, due to the absence of information about any official international criticism or intervention in the 1975 plan, the aforementioned tactical concessions could not be count as a step in the 'spiral model'. In other words, it is assumed that internationalisation did not occur. In any case, the Israeli 'tactical concession' in terms of land is limited, however. The battle for the land continued to be the basic struggle of the Arabs in Israel. For example, the Israeli policy which favoured Israeli ownership of land continued, with Bedouin citizens of traditional land refused recognition and ownership rights, such as electricity and water, a situation further explored in the section on the period 1992-2013.

During the first period under study (1948-79), certain events which crystallised the perception of the Arab minority of its unequal status and violation of its rights by the Israel government gave rise to internationalisation due to the apparent lack of international political and legal mechanisms to change the policies of the Israeli government in relation to these issues. The instruments relied upon were 'memoranda' to international actors and internal protests. The intention was to highlight their plight in the international media as well to prompt international action to influence the Israeli government.

In two of the three cases analysed, the actions undertaken to internationalise the issues did produce a limited change in the behaviour of the Israeli government (tactical concession plus in the 1956 massacre, and in the Galilee Development Plan). The most fundamental change was the abolition of the military government, which theoretically at least extended the same mode of governance to the entire population of Israel. In terms of the specific issues

highlighted, a partial redress of the grievances was achieved. In terms of the spiral model, the Israeli authorities moved from the initial state of repression to the state of at least formally rule consistent behaviour in relation to the dismantlement of the military government. In relation to the specific grievances, we see a movement from 'repression' to 'tactical concession plus'. This indicates both the success and the limitations of this particular mode of internationalisation.

The second period (1992-2013)

During the second period examined in this study, the modality of internationalisation can be described as 'Civil and Legal Advocacy'. It involved recourse to the effort to compel Israel to redress violations of international conventions and treaties that the state of Israel had acceded to. The particular cases examined relation to 'unrecognised' villages of the Bedouin population and the failure by the Israeli state to provide basic services to the population on the grounds that the land they occupied belonged to the state. The Bedouin population in those areas claimed the right to occupy the land on the basis that it belonged to them before the state of Israel came into being.

This period brought about considerable progress for the Bedouin in 'unrecognised' villages in Northern Israel. Historically, land claimed by the latter population was not recognised by the state and as such basic utilities such as water and electricity were not provided to these areas. The first phase (repression) consisted in the failure to supply clean water. Through the break of Hepatitis A and the deaths of one child, caused by a lack of potable water, a case was taken by one Arab NGO to the IWT (1992).

The Israeli government accepted the validity of the case being held by an international court, but claimed the illegal settlements presented a security risk to Israel. However, the court, although considering the issue of security as valid, found in favour of the Bedouin citizens and Israel was instructed to supply water to these groups. In other words, the internationalisation process succeeded. In

response, Israel connected a limit amount of water to the 'unrecognised' villages. On the spiral model, this represents progression from 'repression', phase one, to 'tactical concession', phase three, omitting the 'Denial' stage. Following this case, Israel ratified international treaties and updated domestic policies to reflect its implementation of international norms, manifested in the accession to three international agreements: The Basic Law: Human Dignity and Freedom (1992),¹⁰³² the Vienna Declaration and Programme of Action (1993),¹⁰³³ and the National Health Insurance Law (NHIL) in 1995.¹⁰³⁴ Thus its response moved from 'tactical concession', to the fourth phase, 'prescriptive status' in the mid-1990s. Eventually this 'prescriptive status' was followed by the recognition of most 'unrecognised' villages in late 1990s. Pressure from local Arab NGOs and internal groups combining Prime Minister Yitzhak Rabin left-centre policies resulted in the Israeli state gradually recognising the previously 'unrecognised' Bedouin villages, representing a significant move forward from 'prescriptive status' to 'Rule consistent behaviour', from stage four to stage five on the spiral model.

In the other case of the Bedouin villages in Southern Israel, internationalisation was triggered by the 'Prawer-Plan', which consisted of the effort to codify these villages in domestic law in 2011 without the approval of the local community. This period is significant in that it represented a successful refusal of the Bedouin minority to be relocated according to Israeli demands. In effect, the actions of these Arabs meant a failure of the state to implement its plan.

The initial introduction of the plan without consulting with the Bedouin local community reflects a starting point of 'repression'. Then the internationalisation process mainly led by Arab NGOs through networking with an EU left-wing party and invitations for an EU delegation to carry out fact-finding missions to visit the 'unrecognised' caused Israel to move into the second phase 'denial', which took the form of 'utilitarian justification' of the policies where the state

¹⁰³² "Basic Law : Human Dignity And Liberty", *Knesset.Gov.II*, 1992, https://www.knesset.gov.il/laws/special/eng/basic3_eng.htm.

¹⁰³³ "Vienna Declaration And Programme Of Action", *Ohchr.Org*, 1993, <https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>.

¹⁰³⁴ "National Health Insurance", *Mfa.Gov.II*, 1995, <http://www.mfa.gov.il/mfa/mfa-archive/1990-1995/pages/national%20health%20insurance.aspx>.

promised to modernise the Bedouin lifestyle. Due to the success of internationalisation, Israel was driven to conduct two different forms of 'tactical concession'. While the first one took the form of minor changes to the proposed law (phase 3), the second one was reflected in dropping the proposed law entirely, and indeed, abandoned when the state began supplying water in 2017, a move that is suggested to be defined as 'tactical concession plus'. Given that these areas are yet to be recognised by the state, progression on the model did not move beyond the proposed 'tactical concession plus'.

The success of the internationalisation process can be attributed to achieving these tactical concessions to various factors such as domestic political opposition to the Plan from both Arab and Jewish parties, evolving of a dynamic Arab young movement (Al-hirak Al-shababi) public protests, media attention. There was no further advance into phase four and five because the tactical concessions were sufficient to reduce the international pressure (the proposed law was not enacted), and the Israeli government was not compelled to change the underlying policy.

The abandonment of the proposed legislation in Israel was a tangible result of the efforts of civil and law based internationalisation. However, in line with hypothesis 1, the response of the Israeli state was designed to diffuse international approbation and was not sufficient to resolve the underlying issue. If we consider the issue of the 'Prawer-Plan' as a proxy for the broader fight for a change in the status of the 'unrecognised' settlements, then we can note that a very partial victory was achieved. The fact that the government stopped the plan and later connected them to water means an implicit recognition of their existence and their rights. However, it did not signal a complete reappraisal of the rights of these communities. Consequently, it is clear that the fourth and the final phase of the spiral model has begun but has not yet reached its conclusion.

The two case studies from this time period demonstrate the effectiveness of this particular form of internationalisation. By using legal processes that invoked the enforcement mechanisms of international conventions that Israel had ratified,

the Israeli state had little choice but to make concessions that would satisfy the requirements of the international commitments. Both cases also involve the use TAN (the EU left-wing party in 2012, and the British Lawyer in 1992). However, there are notable differences. The 1992 case reached level five 'rule consistent behaviour' and as such, the problem has been solved. In contrast the 2013 case, despite powerful local protests, reached only 'tactical concession plus' and is still problematic today in that land ownership issues continue. It is also important to consider the time scale required to adequately evaluate the success of internationalisation and events from 2013 are yet to reach their final conclusion. Nevertheless, it is clear that the Israeli state undertook the minimal actions required to ensure that it was not in violation of international treaty commitments. However, this time period in which there was significant international attention on the Arab-Israeli conflict and a Labour government was in power in Israel. This combination of factors increased the external and internal political pressure on the state of Israel, which contributed to the effectiveness of the process of internationalisation and the resolution of the issue of the 'unrecognised' villages during the 1990s and the spiral model shows that the fifth phase was reached.

The third period (2015-2017)

This period was characterised by a focus of 'Personal Diplomacy' to galvanise the international community to put pressure on Israel. In all the three case studies that involving MKs who were members of the Arab Joint List dealt with a wide range of daily life issues (e.g. socio-economic issues, 'unrecognised' Bedouin villages in Southern Israel, demolition of homes, the claim of 'institutionalised discrimination', the issue of 'anti-democratic laws').

Out of the three case studies, only the meeting of the Joint List delegation with seniors at the EU and OECD in 2016 was very effective in generating political support from the EU for their position. This meeting was organised and accompanied by a local Arab NGO (Adalah) that provided MKs with a transnational network (the Green Party) to promote their views. It also was

relatively more focused in terms of their claims from European officials. However, it did not result in political action, including the use of significant economic pressure, to achieve a substantial real modification of the behaviour of the Israeli state. In the other two cases where individual meetings of Arab MKs was held with key figures at both the UN and the White House

Overall, it is clear from the case studies that the international institutions and the Western politician approached by Arab political leaders from Israel were generally receptive to their case. Although in the international discourse on Israeli- Palestinian relations the main focus has been on the plight of the Palestinians outside the borders of Israel, the general sympathy for the Palestinian cause translated into sympathy for the cause of the Arab Israeli citizens. The main effect of internationalisation on the way in which the targeted international institutions articulate their stance on these issues was to give much greater prominence to what had previously been a neglected issue.

[Hypothesis 1]

Internationalisation is partially successful in achieving redress in individual cases but the behaviour of the Israeli state has altered to respond to the international pressures to the minimal extent considered necessary and has not affected the fundamental attitude of the state to the Arab minority.

In general, these results show that hypothesis 1 has been confirmed by the analysis of the case studies, although the results were not uniform for each case. The process of internationalisation was particularly successful in most cases apart of the case of the Bedouin in Northern Israel, and in the Military Government as in both cases the spiral model reached its final level (rule consistent behaviour).

The case of Israel differs from that of authoritarian regimes in some important aspects. The government of Israel is elected by free and fair elections and therefore has the kind of legitimacy that authoritarian regimes lack. Unlike

authoritarian regimes, the state of Israel does not have to defend itself against its own population using violence and authoritarian means of control. The failure to integrate Arab citizens and the violation of their human rights is motivated by the contradictions between the rival identities of the state as a Jewish state on the one hand and a secular liberal democracy on the other. The former gives rise to the perception of Arabs as a threat to the integrity and security of the state which has to be addressed by controlling them in some fashion even though these controls are not compatible with the principles of social justice and equality under the law. This is related to the strategic geography of Israel in which the locations of 'unrecognised' villages are considered to have particular relevance to security. Another reasons why internationalisation was partially successful could include the following de facto:

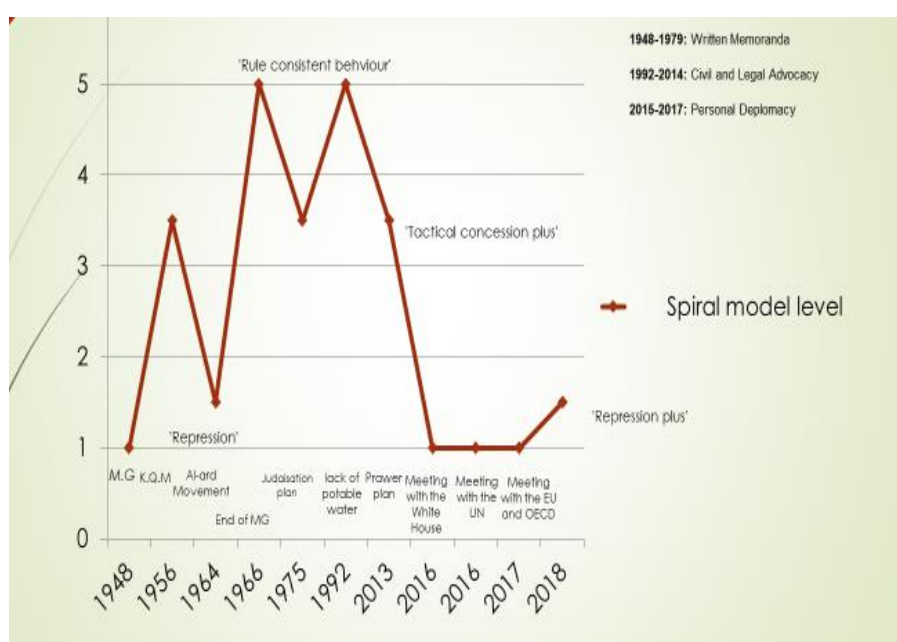
1. Lack of effective international mechanism for minority protection.
2. Asymmetrical power; Israel's has a stand and legitimacy in the international community as a significant superpower in the Middle East. Paradoxically, it has become more difficult to pressure a government whose human rights reputation within intergovernmental forums has improved considerably.
3. Countries conduct their foreign policy based on interests, which in turns limited the role of the internationalisation process in generating a real political action
4. Unlike European minorities, Arabs in Israel not only do not have a strong 'kin state' to support them, but their national affiliation with what seems to be their kin/mother state (the Palestinian State) is at war with their state.
5. The basic rights of the Arab citizens are not adequately protected in the Israeli law due to the absence of a constitution or bill of rights that protect them. The only semi-constitutional protection that exists for minorities in Israel is the 1992 Basic

Law: Human Dignity and Liberty¹⁰³⁵ but even this law does not explicitly mention the value of 'equality'.

6. On-going lack of legitimacy and mutual distrust between the Jewish majority and the Arab minority. Jewish public opinion supports preferential treatment of Jewish citizens.
7. Present implementation of the Zionist- Jewish character of the state carries certain privileges to the Jewish majority.

Each one of these factors, let alone the special effect of their combination, is sufficient to affect the success of the internationalisation of the status of the Arabs citizens.

Figure 17: Spiral model results 1948-2018



¹⁰³⁵ "Basic Law : Human Dignity And Liberty", *Knesset.Gov.II*, 1992, https://www.knesset.gov.il/laws/special/eng/basic3_eng.htm.

7.2 Case study comparison

The manner in which Hypothesis 1 was partially confirmed as stated above emerges from the results of the application of the spiral model to a number of specific case studies. In particular the following can be highlighted:

In all eight cases of this study over the years in the type the conduct of the internationalisation strategy led by the Arab Leadership in Israel involved different modalities, from the use of a 'public memorandum' (1956-1979) to 'civil and legal' internationalisation (1992-2013) to 'personal diplomacy' (2015-2018).

Internationalisation is deemed to be particularly effective if the spiral reaches the fifth phase ('rule-consistent behaviour'). In two cases it can be said that the process reached the fifth level of the spiral model. These were the termination of the military government in 1966, and the win of the water case appeal in relation to the 'unrecognised' villages in Northern Israel. These successes could be explained firstly by the nature of these demands, which reflected basic human needs and rights. Secondly, it was in conformity with the geopolitical atmosphere (e.g. the Six Day War and the Oslo process) and the momentum of the global human rights movement. In theory, reaching the fifth phase of the spiral model should reflect the success of the internationalisation process in changing the discriminatory policies of the state and transformation of the regime. Yet, in practice, the international advocacy of the Arab leadership in Israel did not yielded a meaningful change in Israel's civil or national attitude towards the Arab citizens and the success was very limited. This is because the institutional, legal and structural nature of Israel as Jewish state does not allow a successful application of any international regulatory mechanism (integration/accommodation) for its Palestinian Arab minority.

Third phase 'Tactical concession plus': In the 2013 'Prwaer-Plan', the state's response moved beyond the third level of the spiral model 'tactical concession' which could be termed 'tactical concession plus'. In this level, significant results were achieved. The two proposed bills not only were shelved, but also some progress was achieved. After stopping the 'Prawer-Plan', the state connected

some 'unrecognised' villages to water, and in the 1975 Plan, some lands were returned to their owners. In these two cases, the dispute was about land, internationalisation attempts were amplified by major protests, foreign media coverage, civil society advocacy (NCDAL and Adalah), and by new local young forces (Al-hirak- al-shababi).

'Repression plus': In two cases the application of the spiral model showed that its first phase 'repression' could go through a further deterioration, what could be termed 'repression plus'. These negative dynamics occurred in two cases, the outlawing of the al-Ard movement, and 'the State-Nation Law'. What is common between these cases is the lack of local protests prior to internationalisation plus the nature of the demands (freedom of expression and resisting the identity of the state which is strongly backed international resolution). Both demands were an opportunity for the state to draw political boundaries for the Arab citizens in relation to their national aspirations.

Phase one 'repression': In both MKs Tibi's and Odeh's personal diplomacy, the spiral model did not move beyond its first phase 'repression' as the status quo continued did not change regarding the issues that were raised. The two meetings involved a similar pattern of political behaviour in that they were individual initiatives, lacked focus and cooperation with NGOs or any other transnational dimension.

In two cases the Palestinian transnational dimension generated negative consequences. Those were, Odeh's memorandum to the UN, and outlawing al-Ard movement. On the other hand, the cooperation between Arab MKs and local NGO generated soft power. Civil and legal internationalisation proved to be more effective than personal diplomacy (e.g. the 'Praver- Plan', and the water cause in the 'unrecognised' villages in Northern Israel).

The application of the social constructivist boomerang-spiral model to the process of internationalisation is deemed to be a particularly effective instrument to explore both the potential and the limits of the process of compelling the Israeli state to conform to internationally supported norms and the extent to which national security rationales are used to limit the adherence to such norms. Although the use of internationalisation cannot be

underestimated, the results of this study demonstrate that the construction of the state's identity as a Jewish state and concerns over national security are potentially in conflict with the norms that it claims to be governed by. These other two elements define the constraints on Israel's response to claims that it is violating the rights of its Arab minority, and their implications for the operation of the Israeli state has resulted in a failure to fully integrate its Arab minority and has produced systematic violations of the human rights of Arab citizens of Israel. The Basic Nation-State Law of 2018 is the best prove why internationalisation has not been not successful Israel reinforces the legal and systematic discrimination against the Palestinians citizens of Israel and the illiberal Zionist character of the regime which defines itself politically legally and institutionally as a 'state of the Jewish people' and not 'a liberal democratic state of its citizens'.

[Hypothesis 2]

The process of internationalisation has had the unintended consequence of antagonising and alienating the Jewish majority and contributing to tension, a sense of threat, hostility between the Arab citizens and the state.

When considering hypothesis 2, it is important to note that the question of Israel's Palestinian minority is something that threatens Israel's democratic credentials. The results show that the use of the internationalisation mechanism is politically sensitive, as the external campaign for civil equality in Israel entails unavoidably conflict with the policies of the state of Israel. Hence, this process is antagonising the Jewish majority that has a long history of mistrust of the Arab minority and the prevalent Israeli public sees this action as 'political subversion'. There is a potential of deteriorating relations with the state, because even the people who believe in dialogue oppose the internationalisation of these issues and consider it as 'breaking the rules of the game'.

In relation to the origins and purposes of internationalisation, it is clear that the key factors that gave rise to it stemmed from the discrimination of the Arab minority and the systematic violation of their rights as citizens and humans. Internationalisation came to be perceived as necessary because internal legal and political processes were understood to be insufficient to achieve any redress.

The study has identified three key instruments of international lobbying efforts: (1) the use of public memoranda, (2) civil and legal advocacy (invoking international conventions and treaties), and (3) personal diplomacy (lobbying). Among the main institutions targeted were the United Nations, the European Union and individual great powers including the United States and the Former Soviet Union. Fundamentally, the institutions targeted had focused their attention on the plight of Palestinians outside Israel and the internationalisation efforts by the Arab minority inside Israel created awareness of their situation and an extension of the critique of Israel's treatment of Palestinians to the Arabs inside Israel.

The response of the Israel state varied in particular cases as has been outlined above and hypothesis 1 was largely confirmed as specified above. The civic and legal modalities of internationalisation proved to be the most effective. Hypothesis 2 also was confirmed in the sense that the Jewish majority, even to the extent that it may have sympathy with the cause of the Arab minority, largely disapproved of the process of internationalisation relating to domestic Israeli issues and this contributed to increased tension and a heightened sense of threat from the Arab minority given the perceived negative repercussions for Israel.

This study has demonstrated how the rights of the Arab minority in Israel pose a dual challenge to the conceptualisation of the identity of the state of Israel. On the one hand Israel sees itself as the only modern democracy in the Middle East that is based on the foundations of equality for all. On the other hands, it sees its Arab citizens still as the enemy within who questions the identity of Israel as a Jewish state and seek to challenge its legitimacy. The application of

the spiral model to the process of internationalisation whereby the Arab minority sought to reclaim its rights by invoking the support of the international community reveals the possibilities and the limits of compelling the Israeli state to conform to internationally supported norms and the extent to which national security rationales are used to limit the adherence to such norms. It turns out to be a very effective instrument to explore both the potential and the limits of the process of internationalisation to achieve effective redress for the grievances of the Arab minority.

Figure 18: Comparison between all three periods 1948-2018

Comparison between all case studies 1948-2018				
Time period of international appeals	1948-1979	1992-2013	2015-2018	
Reasons for Internationalisation	<ul style="list-style-type: none"> • MG, 49 killed in Massacre, • Non permission for newspaper, • Confiscation of more lands, 5 killed in protest 	<ul style="list-style-type: none"> • Lack of water in 'unrecognised' villages 	<ul style="list-style-type: none"> • National Law • Inequality between Arabs and Jews 	
Key activities	<ul style="list-style-type: none"> • Three Written Letters to the UN 	<ul style="list-style-type: none"> • Petition to IWT • Lobby in EU and UN • EU Investigation Mission in Israel 	<ul style="list-style-type: none"> • Personal Diplomacy 	
International address	<ul style="list-style-type: none"> • Open letter 1956 to the Soviet Union • UN 1964 • UN 1979 	<ul style="list-style-type: none"> • IWT 1991 • EU and UN 2012 	<ul style="list-style-type: none"> • UN 2016 • White House 2016 • EU and OECD 2017 	
Key players	<ul style="list-style-type: none"> • One Arab MPs • Two Extra-Parliamentarian Movements; al-Ard and NCDAL 	<ul style="list-style-type: none"> • Two Arab NGOs; The Galilee Society • Adalah 	<ul style="list-style-type: none"> • Two individual Arab MPs • The Joint List Delegation+ Arab NGO 	
TANs	<ul style="list-style-type: none"> • Two Transnational Actors: the Soviet Union and PLO 	<ul style="list-style-type: none"> • The Soviet Union • PLO • British Lawyer • EU 	<ul style="list-style-type: none"> • EU 	
Key issues	<ul style="list-style-type: none"> • Physical harm of civilians • Cooperation with liberal Jews • Local Protests • Petitions to Israeli courts Communist ideology versus nationalist one • Security discourse • Land confiscation 	<ul style="list-style-type: none"> • Local Protests • International media coverage • Basic human rights • Land confiscation • Security discourse 	<ul style="list-style-type: none"> • Multiple claims • Individual actions • No security discourse 	
The state response	<ul style="list-style-type: none"> • Utilitarian justification • Backlash Stopped the 1975 plan 	<ul style="list-style-type: none"> • Limited Connection to water • Stopping the 'Praver- Plan' 	<ul style="list-style-type: none"> • Nationality law passed 	
Spiral model level	<ul style="list-style-type: none"> • 1956 TC plus (3+) • 1964 Repression plus (1+) • 1966 RCB (5) 	<ul style="list-style-type: none"> • 1992 RCB (5) • 2013 TC plus (3+) 	<ul style="list-style-type: none"> • 2018 Repression plus (1+) 	

7.3 Challenges to the spiral model

This thesis proceeds from the basis that the spiral model suffers from three limitations. First, the social constructivist preoccupation with 'reputation' does

not give any guidance as to how reputations are constructed; where they rank in terms of other potentially conflicting priorities, such as security, at any given time; and how states deal with the need to maintain different and potentially conflicting reputations in different forums. In the case of Israel, the analysis shows that Israel's status as a democracy that embodies and adhere to the relevant norms is an important part of how the state seeks to be perceived in the international community and thus an element of its identity. This is part of the reputation that Israel seeks to maintain and therefore is a potential opportunity for challenging the conduct of the state. However, its identity as a Jewish state and concerns over national security are potentially in conflict with the norms that it claims to be governed by. These other two elements define the constraints on Israel's response to claims that it is violating the rights of its Arab minority.

Second, the spiral model needs to be historically located. The networks and values that transnational activists mobilise vary over time, as does the nature of the state's reputational concerns. Therefore, any analysis of the success or failure of a transnational activist network needs to pay attention to the historical context. This accounts in part for the changing instruments of internationalisation and the variation in the response by the Israeli state.

Third, the spiral model directs considerable attention to the state, but less attention to the political status of the transnational actors themselves. This is because the model was mainly developed to understand the activities of NGOs whose relationships to local populations is often difficult to specify. However, arguably the level of authority with which internationalising actors can claim to represent local populations is crucial to their success in persuading external actors to respond to their concerns. In the particular cases under discussion in this thesis, the agents of internationalisation were parliamentarians who represented the Arab minority in Israel. They engaged in the process of internationalisation because of their inability to compel the state to respond to the violation of civil and human rights through the decision-making processes of state governance. Their advantage was their political legitimacy as elected representatives. Their disadvantage was the fact that in international

organisations it was hard to identify what standing they would have as they were opposed by their own government and did not represent parliament as a whole. The particular outcomes were therefore influenced by the nature of the actors in the process of internationalisation.

As a result, the application of the spiral model to the process of internationalisation in relations to Israel and its Arab citizens has raised questions about the construction of this particular model and led to the proposal of some modifications to refine the results for this particular project.

To begin with, this use of the spiral model has highlighted several weaknesses in relation to the existing five levels. Current literature assumed that the internationalisation process, which is based on the same concept of the 'boomerang effect', is a vital condition for moving beyond the first phase 'repression'. Nonetheless, none of the aforementioned concepts appear neither visually nor verbally in the study of the spiral model. So, if we start at the first level, 'repression' and mobilise international support, the model dictates that the next stage would be automatically 'denial' because the state would deny the legitimacy of external intervention. If there is no response from the international communities which have been approached, according to the model, a lack of the internationalisation process being instigated would make it impossible to move on to the next level, 'denial'. If a new level of internationalisation were to be introduced between 'repression' and 'denial' the model would more accurately reflect the different stages involved in the internationalisation process, particularly early on. Accordingly, it is suggested to introduce an interim level between the first phase 'repression' and the second one 'denial', which would allow for 'internationalisation', as opposed along similar lines to the 'boomerang-effect'.

Furthermore, the current literature indicates that the first level on the model 'repression' represents mainly the perspective of the civil society. Yet, this work shows that parliamentarian forces can lead the initial move of internationalisation and act either independently or as part of TAN. It is particularly related to opposition politicians from a minority-ethnic background.

In fact, the author of this work would suggest that this new level could be termed 'personal diplomacy' to reflect the hitherto unrecognised role of personal initiatives in this process.

The spiral model has previously criticised for being too deterministic, that is, once the model moves forward to the next level, there is no room for deterioration. This point was relevant in two cases of this thesis (Case study 2 and 8), as the backlash occurred after the internationalisation attempts. Therefore, it would seem logical to acknowledge the existence of this dynamics. The author of this work suggests referring to it as 'repression plus'. This refers to a state where the repression has become worse than in the status quo ante.

Another revision is suggested in relation to the third phase 'tactical concession' where real positive state actions move beyond cosmetic changes yet they are not enough to conform to the fourth phase 'prescriptive status'. Hence, it is suggested to introduce an additional stage termed 'tactical concession plus'.

Finally, this work introduces for the first time the application of the spiral model to the case of a hybrid regime. Two notable dynamics emerged from the case study of Israel. There was no denial at any point. Secondly, the time for utilitarian justification to be made was comparatively short. One way to interpret this phenomenon would be to say that for a hybrid regime utilitarian justification substitutes for denial in authoritarian regimes. The state's commitment to liberal values since its inception in 1948, made the option of 'denial' of the legitimacy of international human rights impossible.

Bibliography

Books

Allon, Yigal. *A Curtain Of Sand*. Tel Aviv: Hakibbutz Hameuhad, 1968. [In Hebrew]

Anaya, S. James. *Indigenous Peoples in International Law*. Oxford: Oxford University Press, 2000.

Baker, Gideon, and David Chandler. *Global Civil Society*. London: Routledge, 2005.

Batliwala, Srilatha, and Lloyd David Brown. *Transnational Civil Society*. Bloomfield (CT): Kumarian, 2006.

Beinin, Joel. *Was The Red Flag Flying There? Marxist Politics And The Arab-Israeli Conflict In Egypt And Israel, 1948–1965*. London: Tauris, 1990.

Ben-Porat, Guy, and Bryan S Turner. *The Contradictions Of Israeli Citizenship*. London: Routledge, 2011.

Besson, Samantha, and John Tasioulas. *The Philosophy Of International Law*. Oxford: Oxford University Press, 2010.

Bishara, Azmi. "Reflections On October 2000: A Landmark In Jewish-Arab Relations In Israel". *Journal Of Palestine Studies* 30, no. 3 (2001): 54-67. doi:10.1525/jps.2001.30.3.54.

Bligh, Alexander. *The Israeli Palestinians: An Arab Minority in The Jewish State*. London: Frank Cass, 2003.

Brom, Shlomo, and Anat Kurz. *Strategic Survey for Israel, 2011*. Tel Aviv: Institute for National Security Studies, 2010.

Capotorti, Francesco. *Study Of The Rights Of Persons Belonging To Ethnic, Religious And Linguistic Minorities*. New York: United Nations, 1979.

Carlsnaes, Walter, Thomas Risse-Kappen, and Beth A Simmons. *Handbook Of International Relations*. London, Thousand Oaks, New Delhi: SAGE, 2002.

Castellino, Joshua. *Global Minority Rights*. New York: Routledge, 2016.

Choudhry, Sujit. *Constitutional Design For Divided Societies: Integration Or Accommodation?*. Oxford: Oxford Univ. Press, 2010.

Cohen, Stanley. *States Of Denial: Knowing About Atrocities And Suffering*. Cambridge: Polity Press, 2001.

Cohen-Almagor, Raphael. "Israeli Democracy At The Crossroads". *Israel Affairs* 11, no. 1 (2005): 254-275. doi:10.1080/1353712042000324553.

Cooper, Andrew Fenton, Jorge Heine, and Ramesh Chandra Thakur. *The Oxford Handbook Of Modern Diplomacy*. Oxford: Oxford University Press, 2013.

Cordell, Karl. *Ethnicity And Democratisation In The New Europe*. London & New York: Routledge, 1999.

Crepaz, Katharina, and Ludger Helms. *The Impact Of Europeanization On Minority Communities*. Springer, 2016.

Darweish, Marwan, and Andrew Rigby. *Palestinians In Israel*. Bradford: University of Bradford, Dept. of Peace Studies, 1995.

De Schutter, Olivier. *International Human Rights Law: Cases, Materials, Commentary*. Cambridge: Cambridge University Press, 2010.

Denzin, Norman K. *The Research Act In Sociology: A Theoretical Introduction To Sociological Methods*. Chicago, Ill, 1970.

Doern, G. Bruce, Leslie Alexander Pal, and Brian W Tomlin. *Border Crossings*. Toronto: Oxford University Press, 1996.

Fanadka, Karim. "How Israel's Arab Tech Community Grew 1000% In 10 Years". *Forbes.Com*, 2018.
<https://www.forbes.com/sites/startupnationcentral/2018/04/25/how-israels-arab-tech-community-grew-1000-in-10-years/#4d8155fe72f6>.

Fassbender, Bardo, Anne Peters, Simone Peter, and Daniel Högger. *The Oxford Handbook Of The History Of International Law*. Oxford: Oxford University Press, 2012.

Forsythe, David P. *Human Rights In International Relations*. Cambridge [etc.]: Cambridge university press, 2000.

Fosnot C.T., *Constructivism, Theory, Perspectives, And Practice*. New York: Teachers College Press, 1996.

Fox, Jonathan, and L. David Brown. *The Struggle For Accountability*. Cambridge, Mass: MIT Press, 1998.

Franck, Thomas M. *The Power Of Legitimacy Among Nations*. New York: Oxford University Press, 1990.

Freilich, Charles D. *Israeli National Security: A New Strategy For An Era Of Change*. New York: Oxford University Press, 2018.

Frisch, Hillel. *Israel's Security And Its Arab Citizens*. Cambridge: Cambridge University Press, 2011.

Gallarotti, Giulio M. *Cosmopolitan Power In International Relations: A Synthesis Of Realism, Neo-Liberalism And Constructivism*. Cambridge: Cambridge University Press, 2010.

Gerber, Haim, and Elie Podeh. *Jewish-Arab Relations In Eretz Israel/Palestine*. Jerusalem: The Hebrew University Magnes Press, 2002. [in Hebrew]

Ghanem, As'ad, and Mohanad Mustafa. *Palestinians In Israel: The Politics Of Faith After Oslo*. Cambridge: Cambridge University Press, 2018.

Ginat, Joseph, Edward J Perkins, and Edwin G Corr. *The Middle East Peace Process: Vision Versus Reality*. Norman: University of Oklahoma, 2002.

Guzzini, Stefano. *Power, Realism, And Constructivism*. New York: Routledge, 2013.

Haj, Majid Al-, and Henry Rosenfeld. *Arab Local Government In Israel*. Boulder (Colo.): Westview Press, 1990.

Haklai, Oded. *Palestinian Ethnonationalism In Israel*. Philadelphia: University of Pennsylvania Press, 2011.

Ham, Peter van. *Social Power In International Politics*. New York: Routledge, 2010.

Hitman, Gadi. *Israel And Its Arab Minority, 1948-2008: Dialogue, Protest, Violence*. Laham, Boulder, New York, London: Lexington Books, 2016.

Hovsepian, Nubar. *Palestinian State Formation*. Newcastle: Cambridge Scholars, 2008.

Jamal, Amal. *Arab Minority Nationalism In Israel: The Politics Of Indignity*. London, New York: Routledge, 2014.

Jeenah, Naeem. *Pretending Democracy: Israel, And Ethnocratic State*. Oxford: Afro-Middle East Centre, 2013.

Jiryis, Sabri. *The Arabs In Israel*. Beirut: Lebanon, 1969.

Keck, Margaret E, and Kathryn Sikkink. *Activists Beyond Borders*. Ithaca: Cornell University Press, 1998.

Keck, Margaret E, and Kathryn Sikkink. *Activists Beyond Borders*. Ithaca: Cornell University Press, 2014.

- Keck, Margaret E., and Kathryn Sikkink. "Transnational Advocacy Networks in The Movement Society". In *The Social Movement Society: Contentious Politics For A New Century*. New York: Rowman & Littlefield, 1998.
- Keohane, Robert O, and Helen V Milner. *Internationalization And Domestic Politics*. Cambridge: Cambridge University Press, 2017.
- Khagram, Sanjeev, James V Riker, and Kathryn Sikkink. *Restructuring World Politics*. Enskede: University of Minnesota Press, 2002.
- Kymlicka, Will. *Multicultural Citizenship: A Liberal Theory Of Minority Rights*. Oxford: Clarendon Press, 2000.
- Kymlicka, Will. *Multicultural Odysseys: Navigating The New International Politics Of Diversity*. Oxford: Oxford University Press, 2007.
- Landau, Jacob M. *The Arabs In Israel: A Political Study*. London: Routledge, 2016.
- Leonard, Mark. *Public Diplomacy*. London: Foreign Policy Center, 2002.
- Liese, Andrea. *Staaten Am Pranger*. Wiesbaden: VS Verlag für Sozialwissenschaft, 2006.
- Lijphart, Arend. *Democracy In Plural Societies: A Comparative Exploration*. New Haven: Yale University Press, 1977.
- Lustick, Ian. *Arabs In The Jewish State: Israel's Control Of A National Minority*. Austin, Tex: University of Texas Press, 1980.
- Makdisi, Ussama Samir, and Paul A Silverstein. *Memory And Violence In The Middle East And North Africa*. Bloomington: Indiana University Press, 2006.
- Malloy, Tove H, and Joseph Marko. *Minority Governance In And Beyond Europe: Celebrating 10 Years Of The European Yearbook Of Minority Issues*. Brill: Nijhoff, 2014.
- Mansour, Camille. *The Palestine Yearbook Of International Law, Volume 12 (2002-2003)*. Leiden: Brill, 2004.
- Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders*. Ithaca: Cornell University Press, 1998.
- Martínez Cobo, José R. *Study Of The Problem Of Discrimination Against Indigenous Populations*. New York: United Nations, 1987.
- Masalha, Nur. *Catastrophe Remembered: Palestine, Israel, And The Internal Refugees*. New York: Zed Books LTD, 2005.

Masalha, Nur. *Expulsion Of The Palestinians: The Concept Of "Transfer" In Zionist Political Thought, 1882–1948*. Washington, D.C.: Institute for Palestine studies, 1992.

Masalha, Nur. *The Palestine Nakba: Decolonising History, Narrating The Subaltern, Reclaiming Memory*. London: Zed Books, 2012.

Melissen, Jan. *The New Public Diplomacy: Soft Power In International Relations*. Hampshire: Palgrave Macmillan, 2005.

Nasasra, Mansour. *The Naqab Bedouins: A Century Of Politics And Resistance*. Columbia University Press, 2017.

Nassar, Maha. *Brothers Apart: Palestinian Citizens Of Israel And The Arab World*. Stanford, Calif: Stanford University Press, 2017.

Nicholas Greenwood, Onuf. *World Of Our Making: Rules And Rule In Social Theory And International Relations*. Columbia, SC: University of South Carolina Press, 1989.

O'Nions, Helen. *Minority Rights Protection In International Law*. London: Taylor and Francis, 2016.

Ozacky-Lazar, Sarah. *The Arab Citizens In Israel: The First Decade*. Raanana: The Open University, 2006.

Packer, John, and Kristian Myntti. *The Protection Of Ethnic And Linguistic Minorities In Europe*. Finland: Institute for Human Rights, Åbo Akademi University, 1993.

Pappe, Ilan. *Forgotten Palestinians: A History Of The Palestinians In Israel*. New Haven: Yale University Press, 2011.

Pappe, Ilan. *The Ethnic Cleansing Of Palestine*. Oxford: Oneworld, 2007.

Pardo, Sharon, and Joel Peters. *Israel And The European Union*. Lanham, Md.: Lexington Books, 2012.

Parmar, Inderjeet, and Michael Cox. *Soft Power And US Foreign Policy*. London: Routledge, 2010.

Payes, Shany. *Palestinian Ngos In Israel*. London: I.b. tauris, 2005.

Peleg, Ilan, and Dov Waxman. *Israel's Palestinians*. Cambridge: Cambridge University Press, 2011.

Peretz, Don. *Israel And The Palestine Arabs*. Washington: Middle East Institute, 1958.

Peters, Joel, and David Newman. *The Routledge Handbook On The Israeli-Palestinian Conflict*. London and New York: Routledge, 2013.

Pisarska, Katarzyna. *The Domestic Dimension Of Public Diplomacy*. London: Imprint Palgrave Macmillan UK, 2016.

Power, Samantha, and Graham T Allison. *Realizing Human Rights*. New York: ST Martin's Press, 2002.

Psychogiopoulou, Evangelia. *Cultural Governance And The European Union: Protecting And Promoting Cultural Diversity In Europe*. Palgrave Macmillan UK, 2015.

Ray, Rabi. *Parliamentary Diplomacy*. New Delhi: S. Chand & Co., 1991.

Raz, Adam. *Kafr Qasem Massacre: Political Biography*. Jerusalem: Carmel, 2018.

Raz, Joseph. *The Morality Of Freedom*. Oxford [England]: Clarendon Press, 1988.

Rebhun, Uzi, and Chaim I Waxman. *The Social Scientific Study Of Jewry*. Oxford: Oxford University Press, 2014.

Reinalda, Bob. *The Ashgate Research Companion To Non-State Actors*. Routledge, 2011.

Reiter, Yitzhak. *National Minority, Regional Majority*. Syracuse, N.Y.: Syracuse University Press, 2009.

Rekhess, Eli. *The Arabs In Israeli Politics: Dilemmas Of Identity*. Tel Aviv: Dayan Center, Tel Aviv University, 1998. [in Hebrew]

Rekhess, Eli. *The Arab Minority In Israel Between Communism And Arab Nationalism, 1965-1991*. Tel Aviv: Hakibutz Hameuchad, 1993. [in Hebrew]

Risse, Thomas. *Domestic Politics And Norm Diffusion In International Relations: Ideas Do Not Float Freely*. London and New York: Rutledge, 2017.

Risse-Kappen, Thomas, Steve Chapman Ropp, and Kathryn Sikkink. *The Persistent Power Of Human Rights: From Commitment To Compliance*. New York: Cambridge University Press, 2013.

Risse-Kappen, Thomas, Steve Chapman Ropp, and Kathryn Sikkink. *The Power Of Human Rights: International Norms And Domestic Change*. New York: Cambridge University Press, 1999.

Rittberger, Volker. *German Foreign Policy Since Unification*. Manchester: Manchester University Press, 2001.

Roach, Steven. "Minority Rights And An Emergent International Right To Autonomy: A Historical And Normative Assessment". *International Journal on*

Minority And Group Rights 11, no. 4 (2004): 411-441.
doi:10.1163/1571811042791184.

Robinson, Shira. *Citizen Strangers*. Stanford (Calif.): Stanford University Press, 2013.

Said, Edward W, and David Barsamian. *The Pen and The Sword*. Chicago: Haymarket Books, 1994.

Sharp, Paul. *Revolutionary States, Outlaw Regimes and The Techniques Of Public Diplomacy*. Basingstoke: Palgrave Macmillan, 2005.

Shetreet, Shimon, and Walter Homolka. *Jewish and Israeli Law. An Introduction*. Berlin: De Gruyter, 2017.

Shmueli, Deborah F, and Khamaisi Rassem. *Israel's Invisible Negev Bedouin*. New York: Dordrecht and London, 2015.

Shoughry, Nida. *Israeli-Arab Political Mobilization*. New York: Palgrave Macmillan US, 2012.

Sigler, Jay A. *Minority Rights. A Comparative Analysis*. Westport: Conn - London Greenwood X, 1983.

Simon, Thomas W. "Minorities In International Law". *Canadian Journal of Law and Jurisprudence* no. 2 (1997).

Smootha, Sammy. *Israel: Pluralism And Conflict*. Berkeley: University of California Press, 1978.

Sorek, Tamir. "Remembering Kafr Qasim". *Stanford University Press Blog*, 2015. <http://stanfordpress.typepad.com/blog/2015/10/remembering-kafr-qasim-.html>.

Sprinzak, Ehud, and Larry Jay Diamond. *Israeli Democracy under Stress*. Boulder: Lynne Rienner Publishers, 1993.

Stein, Shimon. "The Foreign Ministry Is Destroying Relations With Europe". *Walla*, 2011. <https://news.walla.co.il/item/1887786>.

Tabarani, Gabriel G. *Israeli-Palestinian Conflict*. Bloomington, IN: Authorhouse, 2008.

Tarrow, Sidney. *The New Transnational Activism*. New York: Cornell University, 2005.

Thomas, Daniel C. *The Helsinki Effect*. Princeton (N.J.): Princeton University Press, 2011.

Wheatley, Steven. *Democracy, Minorities and International Law*. Cambridge: Cambridge University Press, 2009.

Yaar, Ephraim, and Zeev Shavit. *Trends in Israeli Society*. Ra'anana: Open University, 2001. [in Hebrew]

Yaniv, Avner. *National Security and Democracy In Israel*. Boulder: Lynne Rienner, 1993.

Zehfuss, Maja. *Constructivism In International Relations*. Cambridge, UK: Cambridge University Press, 2002.

Journal articles

"Is Zionism Racism?". *Bulletin Of Peace Proposals* 7, no. 4 (1976): 382-384. doi:10.1177/096701067600700414.

Abu-Rabia-Queder, Sarab, Avigail Morris, and Heather Ryan. "The Economy Of Survival: Bedouin Women In Unrecognized Villages". *Journal Of Arid Environments* 149 (2018): 80-88. doi:10.1016/j.jaridenv.2017.07.008.

Abu-Saad, Ismael. "Access To Higher Education And Its Socio-Economic Impact Among Bedouin Arabs In Southern Israel". *International Journal Of Educational Research* 76 (2016): 96-103. doi:10.1016/j.ijer.2015.06.001.

Abu-Saad, Ismael. "Retelling The History: The Indigenous Palestinian Bedouin In Israel". *Alternative: An International Journal Of Indigenous Peoples* 1, no. 1 (2005): 25-47. doi:10.1177/117718010500100103.

Abu-Saad, Ismael. "Spatial Transformation And Indigenous Resistance". *American Behavioral Scientist* 51, no. 12 (2008): 1713-1754. doi:10.1177/0002764208318928.

Adler, Nancy J. "Global Companies, Global Society". *Journal Of Management Inquiry* 11, no. 3 (2002): 255-260. doi:10.1177/1056492602113008.

Amara, Muhammad, and Izhak Schnell. "Identity Repertoires Among Arabs In Israel". *Journal Of Ethnic And Migration Studies* 30, no. 1 (2004): 175-193. doi:10.1080/1369183032000170222.

Amara, Muhammad. "Language, Identity And Conflict: Examining Collective Identity Through The Labels Of The Palestinians In Israel". *Journal Of Holy Land And Palestine Studies* 15, no. 2 (2016): 203-223. doi:10.3366/hlps.2016.0141.

Andrew T. Guzman, "A Compliance-Based Theory Of International Law", *California Law Review* 90, no. 6 (2002): 1823-1849, doi:10.2307/3481436.

Bailey, S. D. "Parliamentary Diplomacy". *Parliamentary Affairs* no. 3 (1962): 308-314. doi:10.1093/oxfordjournals.pa.a054006.

Barten, Ulrike. "What's In A Name? Peoples, Minorities, Indigenous Peoples, Tribal Groups And Nations". *Journal On Ethnopolitics And Minority Issues In Europe* 14, no. 1 (2015): 1-25. <http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2015/Barten.pdf>.

Bates, E. S. "Sophisticated Constructivism In Human Rights Compliance Theory". *European Journal Of International Law* 25, no. 4 (2014): 1169-1182. doi:10.1093/ejil/chu084.

Bishara, Azmi. "On The Question Of The Arab Minority In Israel". *Theory And Criticism* (1993): 7-20. [in Hebrew]

Bligh, Alexander. "The Final Settlement Of The Palestinian Issue And The Position Of The Israeli Arab Leadership", *Israel Affairs* 9, no. 1-2 (2002): 290-309, doi:10.1080/714003477.

Bligh, Alexander. "The intifada and The New Political Role Of The Israeli Arab Leadership". *Middle Eastern Studies* 35, no. 1 (1999): 134-164. doi:10.1080/00263209908701259.

Brewster, Rachel. "Unpacking The State Reputation". *Harv. Int'l L.J* 50, no. 2 (2009): 231-233.

Brysk, Alison. "Beyond Framing And Shaming: Human Trafficking, Human Security And Human Rights". *Journal Of Human Security* 5, no. 3 (2009): 8-21. doi:10.3316/jhs0503008.

Brysk, Alison. "From Above And Below". *Comparative Political Studies* 26, no. 3 (1993): 259-285. doi:10.1177/0010414093026003001.

Burgerman, Susan D. "Mobilizing Principles: The Role Of Transnational Activists In Promoting Human Rights Principles". *Human Rights Quarterly* 20, no. 4 (1998): 905-923. doi:10.1353/hrq.1998.0035.

C.l.p, Eric. "Globalization And The Future Of The Law Of The Sovereign State". *International Journal Of Constitutional Law* 8, no. 3 (2010): 636-655. doi:10.1093/icon/moq033.

Carpenter, R. Charli. "Setting The Advocacy Agenda: Theorizing Issue Emergence And None mergence In Transnational Advocacy Networks". *International Studies Quarterly* 51, no. 1 (2007): 99-120. doi:10.1111/j.1468-2478.2007.00441.x.

Chayes, Abram, and Antonia Handler Chayes. "On Compliance". *International Organization* 47, no. 2 (1993): 175-205.

Checkel, Jeffrey T. "Why Comply? Social Learning And European Identity Change". *International Organization* 55, no. 3 (2001): 553-588. doi:10.1162/00208180152507551.

Checkel, Jeffrey T., and Kaare Strøm. "Book Reviews". *Comparative Political Studies* 33, no. 10 (2000): 1337-1343. doi:10.1177/0010414000033010004.

Cohen, and Cohen. "Israel And International Humanitarian Law: Between The Neo-Realism Of State Security And The "Soft Power" Of Legal Acceptability". *Israel Studies* 16, no. 2 (2011): 1-23. doi:10.2979/israelstudies.16.2.1.

Cutler, Robert. "The OSCE's Parliamentary Diplomacy In Central Asia And The South Caucasus In Comparative Perspective". *Studia Diplomatica* 2 (2006): 79-93.

Degani, Arnon Yehuda. "The Decline And Fall Of The Israeli Military Government, 1948–1966: A Case Of Settler-Colonial Consolidation?". *Settler Colonial Studies* 5, no. 1 (2014): 84-99. doi:10.1080/2201473x.2014.905236.

Deitelhoff, Nicole. "The Discursive Process Of Legalization: Charting Islands Of Persuasion In The ICC Case". *International Organization* 63, no. 01 (2009): 33-65. doi:10.1017/s002081830909002x.

Dunne, Tim, Lene Hansen, and Colin Wight. "The End Of International Relations Theory?". *European Journal Of International Relations* 19, no. 3 (2013): 405-425. doi:10.1177/1354066113495485.

Falah, Ghazi. "How Israel Controls The Bedouin In Israel". *Journal Of Palestine Studies* 14, no. 2 (1985): 35-51. doi:10.1525/jps.1985.14.2.00p0126b.

Falah, Ghazi. "Israeli State Policy Toward Bedouin Sedentarization In The Negev". *Journal Of Palestine Studies* 18, no. 2 (1989): 71-91. doi:10.1525/jps.1989.18.2.00p00773.

Falah, Ghazi. "Israelization Of Palestine Human Geography". *Progress In Human Geography* 13, no. 4 (1989): 535-550. doi:10.1177/030913258901300404.

Falah, Ghazi. "The Facts And Fictions Of Judaization Policy And Its Impact on the Majority Arab Population in Galilee," *Political Geography Quarterly* 10, No.3 (1991):297-316.

Falah, Ghazi. "The Spatial Pattern Of Bedouin Sedentarization In Israel". *Geojournal* 11, no. 4 (1985): 361-368. doi:10.1007/bf00150770.

Ferretra, GM. "The Impact Of Treaty Reservations On The Establishment Of An International Human Rights Regime". *The Comparative And International Law Journal Of Southern Africa* 38, no. 2 (2005): 148-183.

Fink, Carole. "Minority Rights As An International Question". *Contemporary European History* 9, no. 3 (2000): 385-400. doi:10.1017/s0960777300003052.

Finnemore, Martha, and Kathryn Sikkink. "International Norm Dynamics And Political Change". *International Organization* 52, no. 4 (1998): 887-917. doi:10.1162/002081898550789.

Finnemore, Martha, and Kathryn Sikkink. "Taking Stock: The Constructivist Research Program In International Relations And Comparative Politics". *Annual Review Of Political Science* 4, no. 1 (2001): 391-416. doi:10.1146/annurev.polisci.4.1.391.

Finnemore, Martha. "Norms, Culture, And World Politics: Insights From Sociology's Institutionalism". *International Organization* 50, no. 02 (1996): 325-347. doi:10.1017/s0020818300028587.

Ghanem, As'ad. "The Palestinians In Israel: Political Orientation And Aspirations". *International Journal Of Intercultural Relations* 26, no. 2 (2002): 135-152. doi:10.1016/s0147-1767(01)00044-x.

Gilboa, Eytan. "Public Diplomacy: The Missing Component In Israel's Foreign Policy". *Israel Affairs* 12, no. 4 (2006): 715-747. doi:10.1080/13533310600890067.

Gilboa, Eytan. "Searching For A Theory Of Public Diplomacy". *The Annals Of The American Academy Of Political And Social Science* 616 (2008): 55-77.

Götz, Norbert. "On The Origins Of 'Parliamentary Diplomacy':Scandinavian 'Bloc Politics' And Delegation Policy In The League Of Nations". *SAGE* 40, no. 3 (2005): 263-279. doi:10.1177/0010836705055066.

Graham, Sarah Ellen. "Emotion And Public Diplomacy: Dispositions In International Communications, Dialogue, And Persuasion". *International Studies Review* 16, no. 4 (2014): 522-539. doi:10.1111/misr.12156.

Greenhill, Brian. "The Company You Keep: International Socialization And The Diffusion Of Human Rights Norms". *International Studies Quarterly* 54, no. 1 (2010): 127-145. doi:10.1111/j.1468-2478.2009.00580.x.

Gregory, Bruce. "American Public Diplomacy: Enduring Characteristics, Elusive Transformation". *The Hague Journal Of Diplomacy* 6, no. 3 (2011): 351-372. doi:10.1163/187119111x583941.

Guzzini, Stefano. "A Reconstruction Of Constructivism In International Relations". *European Journal Of International Relations* 6, no. 2 (2000): 147-182. doi:10.1177/1354066100006002001.

Haklai, Oded. "Palestinian NGOs In Israel: A Campaign For Civic Equality in a Non-Civic State. *Israel Studies* 9, no. 3 (2004): 157-168. doi:10.1353/is.2005.0004.

Haklai, Oded. "State Mutability And Ethnic Civil Society: The Palestinian Arab Minority In Israel". *Ethnic And Racial Studies* 32, no. 5 (2009): 864-882. doi:10.1080/01419870802270917.

Haklai, Oded. "The Arab Minority In Israel; Challenges And Limits In Recent Disciplinary Approaches". *Israel Studies* 18, no. 1 (2013): 124-145. doi:10.2979/israelstudies.18.1.124.

Hall, Peter A. "Policy Paradigms, Social Learning, And The State: The Case Of Economic Policymaking In Britain". *Comparative Politics* 25, no. 3 (1993): 289. doi:10.2307/422246.

Hawkins, Darren. "Transnational Activists As Motors For Change". *International Studies Review* 1, no. 1 (2002): 119-122. doi:10.1111/1521-9488.00147.

Henkin, Louis. "International Human Rights As "Rights"". *American Society For Political And Legal Philosophy* 23 (1981): 257-280.

Henkin, Louis. "The Internationalization Of Human Rights". *Human Rights: A Symposium, Proceeding Of General Education Seminar* 6, no. 1 (1977): 15-16.

Hidayat, Rehman, and Muhammad Zubair. "Development Of Minorities' Rights And Critical Analysis Of Contemporary Comparative International Human Rights Law For Their Protection". *International Research Journal Of Social Sciences* 2, no. 27 (2013): 53-58. <http://www.isca.in/IJSS/Archive/v2/i7/8.ISCA-IRJSS-2013-086.pdf>.

Hilpold, Peter. "UN Standard-Setting In The Field Of Minority Rights". *International Journal On Minority And Group Rights* 14, no. 2 (2007): 181-205. doi:10.1163/138548707x208809.

Hirschl, Ran, and Michael Keren. "Zichroni V. State Of Israel: The Biography Of A Civil Rights Lawyer". *The American Journal Of Legal History* 46, no. 1 (2004): 88. doi:10.2307/3692422.

Ikenberry, G. John, and Ann M. Florini. "The Third Force: The Rise Of Transnational Civil Society". *Foreign Affairs* 80, no. 2 (2001): 169. doi:10.2307/20050089.

Jabareen, Yousef T. "Redefining Minority Rights: Success And Shortcomings Of The U.N. Declaration On The Rights Of Indigenous Peoples". *UC Davis Journal Of International Law And Policy*, 18, no. 119-161 (2012). doi:http://dirasat-aclp.org/files/Yousef_Jabareen_UCDavis_2012.pdf.

Jabareen, Yousef T. "The Arab-Palestinian Community In Israel: A Test Case For Collective Rights Under International Law". *The George Washington International Law Review* 47, no. 3 (2015): 449-480.

Jabareen, Yousef T. "Toward Participatory Equality: Protecting Minority Rights Under International Law". *Israel Law Review* 41, no. 03 (2008): 635-676. doi:10.1017/s002122370000039x.

Jackson Preece, Jennifer. "Minority Rights In Europe: From Westphalia To Helsinki". *Review Of International Studies* 23, no. 1 (1997): 75-92. doi:10.1017/s0260210597000752.

Jamal, Amal. "In The Shadow Of The 1967 War: Israel And The Palestinians". *British Journal Of Middle Eastern Studies* 44, no. 4 (2017): 529-544. doi:10.1080/13530194.2017.1360010.

Jamal, Amal. "The Arab Leadership In Israel: Ascendance And Fragmentation". *Journal Of Palestine Studies* 35, no. 2 (2006): 6-22. doi:10.1525/jps.2006.35.2.6.

Jamal, Amal. "The Contradictions Of State-Minority Relations In Israel: The Search For Clarifications". *Constellations* 16, no. 3 (2009): 493-508. doi:10.1111/j.1467-8675.2009.00557.x.

Jamal, Amal. "The Counter-Hegemonic Role Of Civil Society: Palestinian–Arab Ngos In Israel". *Citizenship Studies* 12, no. 3 (2008): 283-306. doi:10.1080/13621020802015446.

Jeffrey, Mapendere. "Track One And A Half Diplomacy And The Complementarity Of Tracks". *Culture Of Peace Online Journal* 2, no. 1 (2005): 66-81.

Jiryis, Sabri. "The Land Question In Israel". *MERIP Reports*, no. 47 (1976): 5-20. doi:10.2307/3011382.

Kanaaneh, Hatim, Fiona McKay, and Emily Sims. "A Human Rights Approach For Access To Clean Drinking Water: A Case Study". *Health And Human Rights* 1, no. 2 (1995): 190-204. doi:10.2307/4065214.

Keck, Margaret E., and Kathryn Sikkink. "Transnational Advocacy Networks In International And Regional Politics". *International Social Science Journal* 51, no. 159 (1999): 89-101. doi:10.1111/1468-2451.00179.

Korn, Alina. "Military Government, Political Control And Crime: The Case Of Israeli Arabs". *Crime, Law And Social Change* 34, no. 2 (2000): 159-182.

David Kretzmer, "The Legal Status Of The Arabs In Israel, David Kretzmer, Westview Press, Boulder, CO (1990), Pp. 197.", *The Palestine Yearbook Of International Law Online* 6, no. 1 (1990): 313-329, doi:10.1163/221161491x00201.

Kymlicka, Will "The Internationalization Of Minority Rights". *International Journal Of Constitutional Law* 6, no. 1 (2008): 1-32. doi:10.1093/icon/mom032.

Kymlicka, Will. "Multiculturalism And Minority Rights: West And East". *JEMIE - Journal On Ethnopolitics And Minority Issues In Europe* 4 (2002): 1-24. https://www.ssoar.info/ssoar/bitstream/handle/document/6206/ssoar-jemie-2002-iss_4-kymlicka-multiculturalism_and_minority_rights.pdf?sequence=1.

Lansing, Robert. "Notes On Sovereignty In A State". *The American Journal Of International Law* 1, no. 2 (1907): 297-320. doi:10.2307/2186165.

Laursen. "Israel's Supreme Court And International Human Rights Law: The Judgement On 'Moderate Physical Pressure'". *Nordic Journal Of International Law* 69, no. 4 (2000): 413-447. doi:10.1163/15718100020296396.

Lustick, Ian. "Arabs In The Jewish State: Two Sides Of A Coin The Arabs In Israel". *Journal Of Palestine Studies* 6, no. 4 (1977): 130-137. doi:10.2307/2535783.

Lustick, Ian. "Arabs In The Jewish State: Two Sides Of A Coin The Arabs In Israel". *Journal Of Palestine Studies* 6, no. 4 (1977): 130-137. doi:10.2307/2535783.

Lustick, Ian. "Israeli State-Building In The West Bank And The Gaza Strip: Theory And Practice". *International Organization* 41, no. 01 (1987): 151. doi:10.1017/s0020818300000771.

Lustick, Ian. "Stability In Deeply Divided Societies: Consociationalism Versus Control". *World Politics* 31, no. 03 (1979): 325-344. doi:10.2307/2009992.

M. M. Karayanni, "Two Concepts Of Group Rights For The Palestinian-Arab Minority Under Israel's Constitutional Definition As A "Jewish And Democratic" State", *International Journal Of Constitutional Law* 10, no. 2 (2012): 304-339, doi:10.1093/icon/mos020.

Malone, Gifford D. "Managing Public Diplomacy". *The Washington Quarterly* 8, no. 3 (1985): 199. doi:10.1080/01636608509450301.

Marsh, Christopher, and Daniel P. Payne. "The Globalization Of Human Rights And The Socialization Of Human Rights Norm". *BYU Law Review* 2007, no. 3 (2007): 665-687.

Medda-Windischer, Roberta. "Old And New Minorities: Diversity Governance And Social Cohesion From The Perspective Of Minority Rights". *Acta Universitatis Sapientiae, European And Regional Studies* 11, no. 1 (2017): 25-42. doi:10.1515/auseur-2017-0002.

Murdie, Amanda M., and David R. Davis. "Shaming And Blaming: Using Events Data To Assess The Impact Of Human Rights Ingos1". *International Studies Quarterly* 56, no. 1 (2011): 1-16. doi:10.1111/j.1468-2478.2011.00694.x.

Nasasra, Mansour. "The Politics Of Claiming And Representation: The Islamic Movement In Israel". *Journal Of Islamic Studies* 29, no. 1 (2017): 48-78. doi:10.1093/jis/etx078.

Nye, Joseph S. "Soft Power And American Foreign Policy". *Political Science Quarterly* 119, no. 2 (2004): 255-270. doi:10.2307/20202345.

Nye, Jr., Joseph S. "Soft Power". *Foreign Policy* 80 (1990): 153-173.

Nye Jr, Joseph S. "Public Diplomacy And Soft Power". *The Annals of the American Academy of Political and Social Science* 3, no. 616 (2008): 94-109. doi:abs/10.1177/0002716207311699.

Olesker, Ronnie. "National Identity And Securitization In Israel". *Ethnicities* 14, no. 3 (2014): 371-391. doi:10.1177/1468796813504093.

Papouts, Emilia. "Minorities Under International Law: How Protected They Are?". *Journal Of Social Welfare And Human Rights* 2, no. 1 (2014): 305-345. http://jswhr.com/journals/jswhr/Vol_2_No_1_March_2014/18.pdf.

Pardo, Sharon. "The Year That Israel Considered Joining The European Economic Community". *JCMS: Journal Of Common Market Studies* 51, no. 5 (2013): 901-915. doi:10.1111/jcms.12036.

Payes, Shany. "Palestinian NGOs In Israel: A Campaign For Civic Equality In A Non-Civic State". *Israel Studies* 8, no. 1 (2003): 60-90. doi:10.1353/is.2003.0016.

Peled, Yoav. "Ethnic Democracy And The Legal Construction Of Citizenship: Arab Citizens Of The Jewish State.". *American Political Science Review* 86, no. 02 (1992): 432-443. doi:10.2307/1964231.

Petričušić, Antonija. "The Rights Of Minorities In International Law: Tracing Developments In Normative Arrangements Of International Organizations". *Croatian International Relations Review* no. 3839 (2005).

Plonski, Sharri. "Material Footprints: The Struggle For Borders By Bedouin-Palestinians In Israel". *Antipode*, 50, no. 5 (2018): 1349-1375. doi:10.1111/anti.12388.

Rangwala, Tawfik S. "Inadequate Housing, Israel, And The Bedouin Of The Negev". *Osgoode Hall Law Journal* 42, no. 3 (2004): 415-472.

Rekhess, Eli. "The Arabs Of Israel After Oslo: Localization Of The National Struggle". *Israel Studies* 7, no. 3 (2002): 1-44. doi:10.1353/is.2003.0009.

Rekhess, Elie. "The Arab Minority In Israel: Reconsidering The "1948 Paradigm"". *Israel Studies* 19, no. 2 (2014): 187. doi:10.2979/israelstudies.19.2.187.

Richard, Ratcliffe. "Bedouin Rights, Bedouin Representations: Dynamics Of Representation In The Naqab Bedouin Advocacy Industry". *Journal Of Holy Land And Palestine Studies* 15, no. 1 (2016): 97-124. doi:10.3366/hlps.2016.0131.

Riitberger, Volker. "Global Conference Diplomacy And International Policy-Making: The Case Of UN-Sponsored World Conferences*". *European Journal Of Political Research* 11, no. 2 (1983): 167-182. doi:10.1111/j.1475-6765.1983.tb00054.x.

Robinson, Shira. "Local Struggle, National Struggle: Palestinian Responses To The Kafr Qasim Massacre And Its Aftermath, 1956-66". *International Journal Of Middle East Studies* 35, no. 3 (2003): 393-416. doi:10.1017/s0020743803000163.

Rosting, Helmer. "Protection Of Minorities By The League Of Nations". *The American Journal Of International Law* 17, no. 4 (1923): 641. doi:10.2307/2188655.

Rouhana, Nadim N. "'Jewish And Democratic'? The Price Of A National Self-Deception". *Journal Of Palestine Studies* 35, no. 2 (2006): 64-74. doi:10.1525/jps.2006.35.2.64.

Rouhana, Nadim N., and Areej Sabbagh-Khoury. "Settler-Colonial Citizenship: Conceptualizing The Relationship Between Israel And Its Palestinian Citizens". *Settler Colonial Studies* 5, no. 3 (2014): 205-225. doi:10.1080/2201473x.2014.947671.

Roulston, Kathryn, Kathleen deMarrais, and Jamie B. Lewis. "Learning To Interview In The Social Sciences". *Qualitative Inquiry* 9, no. 4 (2003): 643-668. doi:10.1177/1077800403252736.

Rusk, Dean. "Parliamentary Diplomacy – Debate Vs. Negotiation". *World Affairs Interpreter* 26 (1955): 38-121.

S. Roucek, Joseph. "The Problem Of Minorities And The League Of Nations". *Journal Of Comparative Legislation And International Law* 15, no. 1 (2018): 67-76.

Sabic, Z. "Building Democratic And Responsible Global Governance: The Role Of International Parliamentary Institutions". *Parliamentary Affairs* 61, no. 2 (2008): 255-271. doi:10.1093/pa/gsm062.

Sanders, Douglas. "Collective Rights". *Human Rights Quarterly* 13, no. 3 (1991): 368. doi:10.2307/762620.

Sasson, Theodore. "Review Essay: Israeli Attitudes on Civil Rights, Democracy and Arab-Jewish Relations." *Israel Studies* 23, no. 2 (2018): 217. doi:10.2979/israelstudies.23.2.10.

Sayfullaev, Durbek. "Parliamentary Diplomacy In Making Of Foreign Policy". *The Advanced Science Journal* 2016, no. 1 (2016): 52-54. doi:10.15550/asj.2016.01.052.

Schwarz, Rolf. "The Paradox Of Sovereignty, Regime Type And Human Rights Compliance". *The International Journal Of Human Rights* 8, no. 2 (2004): 199-215. doi:10.1080/1364298042000240861.

Sevin, Efe. "Pathways Of Connection: An Analytical Approach To The Impacts Of Public Diplomacy". *Public Relations Review* 41, no. 4 (2015): 562-568. doi:10.1016/j.pubrev.2015.07.003.

Shaanan, Hassan. "MK Tibi Meets With Senior White House And State Dept. Officials". *Ynetnews.Com*, 2016. <https://www.ynetnews.com/articles/0,7340,L-4763151,00.html>.

Shacham, Chaya. "Between Judgement And Moral Introspection: Nathan Alterman On The Kefar-Kasem Massacre". *Bar-Ilan Law Studies*, no. 12 (2002): 402. [in Hebrew]

Sharman, J. C. "Rationalist And Constructivist Perspectives On Reputation". *Political Studies* 55, no. 1 (2007): 20-37. doi:10.1111/j.1467-9248.2007.00643.x.

Shor, Eran. "Conflict, Terrorism, And The Socialization Of Human Rights Norms: The Spiral Model Revisited". *Social Problems* 55, no. 1 (2008): 117-138. doi:10.1525/sp.2008.55.1.117.

Smootha, Sammy. "Minority Status In An Ethnic Democracy: The Status Of The Arab Minority In Israel". *Ethnic And Racial Studies* 13, no. 3 (1990): 389-413. doi:10.1080/01419870.1990.9993679.

Solomon, Ty. "Norms And Human Rights In International Relations". *Political Studies Review* 4 (2006): 36-40.

Suwaed, Muhammad Youssef. "The Bedouins In The Galilee In The War Of Independence Of Israel 1948–1950". *Middle Eastern Studies* 53, no. 2 (2016): 297-313. doi:10.1080/00263206.2016.1240677.

The Majority Arab Population In Galilee". *Political Geography Quarterly* 10, no. 3 (1991): 297-316. doi:10.1016/0260-9827(91)90041-r.

Thornberry, Patrick. "Is There A Phoenix In The Ashes? International Law And Minority Rights". *Texas International Law Journal* 15, no. 3 (1980): 421-58.

Tocci, Nathalie, and Benedetta Voltolini. "Eyes Wide Shut: The European Union And The Arab Minority In Israel". *European Foreign Affairs Review* 16, no. 4 (2011): 521-538.

True, Jacqui, and Michael Mintrom. "Transnational Networks And Policy Diffusion: The Case Of Gender Mainstreaming". *International Studies Quarterly* 45, no. 1 (2001): 27-57. doi:10.1111/0020-8833.00181.

Vijapur, Abdulrahim P. "International Protection Of Minority Rights". *International Studies* 43, no. 4 (2006): 367-394. doi:10.1177/002088170604300402.

Wapner, Paul. "Defending Accountability In Ngos". *Chicago Journal Of International Law*, Chicago 3, no. 1 (2002): 197-205.

Waxman, Dov. "A Dangerous Divide: The Deterioration Of Jewish-Palestinian Relations In Israel". *The Middle East Journal* 66, no. 1 (2012): 11-29. doi:10.3751/66.1.11.

Waxman, Dov. "Israel's Other Palestinian Problem: The Future Vision Documents And The Demands Of The Palestinian Minority In Israel". *Tandfonline.Com*, 2013. <http://www.tandfonline.com/doi/full/10.1080/13537121.2013.748295>.

Waxman, Dov. "Israel's Palestinian Minority In The Two-State Solution: The Missing Dimension". *Middle East Policy* 18, no. 4 (2011): 68-82. doi:10.1111/j.1475-4967.2011.00511.x.

Weisglas, Frans, and Gonnie de Boer. "Parliamentary Diplomacy". *The Hague Journal Of Diplomacy* 2, no. 1 (2007): 93-99. doi:10.1163/187119007x180494.

Wendt, Alexander. "Anarchy Is What States Make Of It: The Social Construction Of Power Politics". *International Organization* 46, no. 02 (1992): 404-407. doi:10.1017/s0020818300027764.

Yahel, Havatzelet, and Ruth Kark. "Land And Settlement Of Israel's Negev Bedouin: Official (Ad Hoc) Steering Committees, 1948–1980". *British Journal Of Middle Eastern Studies*, 2017, 1-26. doi:10.1080/13530194.2017.1343122.

Yiftachel, Oren, Batya Roded, and Alexandre (Sandy) Kedar. "Between Rights And Denials: Bedouin Indigeneity In The Negev/Naqab". *Environment And Planning A: Economy And Space* 48, no. 11 (2016): 2129-2161. doi:10.1177/0308518x16653404.

Yiftachel, Oren. "'Ethnocracy': The Politics Of Judaizing Israel/Palestine". *Constellations* 6, no. 3 (1999): 364-390. doi:10.1111/1467-8675.00151.

Yiftachel, Oren. "Critical Theory And 'Gray Space': Mobilization Of The Colonized". *City* 13, no. 2-3 (2009): 246-263. doi:10.1080/13604810902982227.

Yukaruc, Umut. "A Critical Approach To Soft Power". *Journal Of Bitlis Eren University Institute Of Social Sciences* 6, no. 2 (2017): 491-502.

Zaharna, R.S. "The Soft Power Differential: Network Communication And Mass Communication In Public Diplomacy". *The Hague Journal Of Diplomacy* 2, no. 3 (2007): 213-228. doi:10.1163/187119007x240505.

Zayyad, Tawfiq. "The Fate Of The Arabs In Israel". *Journal Of Palestine Studies* 6, no. 1 (1976): 92-103. doi:10.1525/jps.1976.6.1.00p0441r.

Zehfuss, Maja. "Constructivism And Identity: A Dangerous Liaison". *European Journal Of International Relations* 7, no. 3 (2001): 315-348. doi:10.1177/1354066101007003002.

News websites

"A Political Delegation Representing The "Follow-Up" Holds Meetings On The Nationality Law At United Nations Headquarters In Geneva". *Meezaan*, 2018. <http://meezaan.org/?mod=articles&ID=458>. [in Arabic]

"Arab Israeli MKs Said Set To Appeal To EU To Oppose Jewish Nation-State Law". *Timesofisrael.Com*, 2018. <https://www.timesofisrael.com/arab-israelis-said-to-appeal-to-eu-to-oppose-jewish-nation-state-law/>.

"Barakeh Meets With Russian Deputy Foreign Minister In Moscow To Consider The Implications Of The Nationality Law". *Alarab.Com*, 2018. <https://www.alarab.com/Article/874133>. [in Arabic]

"Binyamin Netanyahu: 'Arab Voters Are Heading To The Polling Stations In Droves'". *The Guardian*, 2015. <https://www.theguardian.com/world/2015/mar/17/binyamin-netanyahu-israel-arab-election>.

"Cabinet Minister: Charge Hadash Mks With Treason For Involving UN". *Maki.Org.II*, 2018. <http://maki.org.il/en/?p=16041>.

"Delegation of Joint List MKs in Brussels to meet top EU officials". *Maki.Org.II*, 2017. <http://maki.org.il/en/?p=13063>.

"Delegation Of Joint List Mks In Brussels To Meet Top EU Officials". *Maki.Org.II*, 2017. <http://maki.org.il/en/?p=13063>.

"Druze In Israel'S Golan Heights Rally in support of Syria's Assad". *Timesofisrael.Com*, 2018. <https://www.timesofisrael.com/druze-in-israels-golan-heights-rally-in-support-of-syrias-assad/>.

"EU Expresses Concern Over Israel's Jewish Nationality Law". *Ynetnews.Com*, 2018. <https://www.ynetnews.com/articles/0,7340,L-5313189,00.html>. [in Hebrew]

"EU Must Help Defend Rights Of Arab-Palestinian Citizens Of Israel | Communist Party Of Israel". *Maki.Org.II*, 2017. <http://maki.org.il/en/?p=13108>.

"EU To Label Israeli Settlement Goods". *BBC News*, 2015. <https://www.bbc.co.uk/news/world-europe-34786607>.

"European Mps: Nation-State Bill Legalizes Systemic Discrimination | Communist Party Of Israel". *Maki.Org.II*, 2017. <http://maki.org.il/en/?p=13304>.

"International Arab Rights In Israel Day Marked In 35 Cities Worldwide | Communist Party Of Israel". *Maki.Org.II*, 2018. <http://maki.org.il/en/?p=6907>.

"Israel And Arabic: Where Else Do Language And Politics Collide?". *BBC News*, 2018. <https://www.bbc.co.uk/news/world-44892114>.

"Israeli Anger Over MK Odeh's Complaint To The United Nations Through The Palestinian Mission". *Aymanodeh*, 2016. <https://www.aymanodeh.com> [in Arabic]

"Israeli Arab Mks In Brussels To Ask EU To Interfere In Israel". *Israel National News*, 2017. <http://www.israelnationalnews.com/News/News.aspx/237721>.

"Israeli Arabs Take Their Message To The White House". *English.Alwatanvoice.Com*, 2016.

"Judge Goldstone Expresses Regrets About His Report Into Gaza War". *The Guardian*, 2008. <https://www.theguardian.com/world/2011/apr/03/goldstone-regrets-report-into-gaza-war>.

"Livni: National Aspirations Of Israel's Arabs Can Be Met By Palestinian Homeland". *Haaretz.Com*, 2008. <https://www.haaretz.com/1.5072337>.

"MK Odeh Met With The UN Secretary-General And Delivered A Memorandum On The Anti-Democratic Laws And The Discrimination Against The Arab Population". *Maki.Org.II*, 2016. [in Hebrew]

"MK Odeh Refuses To Enter Zionist Offices Of US Jewish Group". *Maki.Org.II*, 2015. <http://maki.org.il/en/?p=6393>.

"Netanyahu Proposes Transferring Wadi Ara And Its Arab Citizens Of Israel To Future Palestinian State". *Maki.Org.II*, 2018. <http://maki.org.il/en/?p=12253>.

"NIS 6900 Average Income Of The Arab Family In Israel". *Alquds.Com*, 2017. <http://www.alquds.com/articles/1495009379687175700/>. [in Arabic].

"Rivlin Condemns 'Terrible Crime' Of Kfar Kassem Massacre". *Timesofisrael.Com*, 2014. <https://www.timesofisrael.com/rivlin-to-address-ceremony-marking-kfar-kassem-massacre/>.

"Signing A Partnership Agreement Between The European Socialist Party And The Arab Movement For Change". *Alwatanvoice*, 2018.

<https://www.alwatanvoice.com/arabic/news/2017/06/28/1062918.html>. [in Arabic]

"Startup Nation Or Left-Behind Nation? Israel's Economy Is A Study In Contrasts". *The Economist*, 2017. <https://www.economist.com/special-report/2017/05/18/israels-economy-is-a-study-in-contrasts>.

"The Leading Global Thinkers Of 2015- Foreign Policy". *2015Globalthinkers.Foreignpolicy.Com*, 2015. <http://2015globalthinkers.foreignpolicy.com/#!/challengers/detail/odeh>.

"The United Nations Investigates A Complaint Against Israel For Its Approval Of The National Law". *Alwatanvoice*, 2018. <https://www.alwatanvoice.com/arabic/news/2018/08/04/1163786.html>. [in Arabic]

"Tibi Raises The Issue Of Prosecuting Arab Mks And The Strike Of Mohammed Al-Qaiq At The United Nations". *Alarab.Com*, 2016. <https://www.alarab.com/Article/730045>. [in Arabic]

Aderet, Ofer. "General's Final Confession Links 1956 Massacre To Israel's Secret Plan To Expel Arabs". *Haaretz.Com*, 2018. <https://www.haaretz.com/israel-news/.premium>.

Aderet, Ofer. "Residents Of Arab Village Demand Israel Open Archives On 1956 Massacre". *Haaretz.Com*, 2018. <https://www.haaretz.com/israel-news/.premium-residents-of-arab-village-demand-israel-open-archives-on-1956-massacre-1.6272443>.

Akerman, Lior. "Analysis: Fear Of A Beduin Intifada In The Negev". *The Jerusalem Post*, 2017. <https://www.jpost.com/Israel-News/Analysis-Fear-of-a-Beduin-intifada-in-the-Negev-478938>.

Alon, Gideon, and Aluf Benn. "Netanyahu: Israel's Arabs Are The Real Demographic Threat". *Haaretz.Com*, 2013. <https://www.haaretz.com/1.4802179>.

Amit, Hagi. "'We Will Soon Explode': The Real Estate Crisis That Threatens To Ignite Israel". *Themarker*, 2017. <https://www.themarker.com/markerweek/1.3439243>. [in Hebrew].

Ataeli, Amichai. "Ayman Odeh To Make Diplomatic Visit To US". *Ynetnews.Com*, 2015. <https://www.ynetnews.com/articles/0,7340,L-4732932,00.html>. [in Hebrew]

Avraham, Yaron. "2018: Equality Between Muslims And Jews". *Mako*, 2018. https://www.mako.co.il/news-military/israel-q1_2018/Article-9c5f88e90916261004.htm. [in Hebrew]

Avraham, Yaron. "2018: Equality Between Muslims And Jews". *Mako*, 2018. https://www.mako.co.il/news-military/israel-q1_2018/Article-9c5f88e90916261004.htm. [in Hebrew]

Avraham, Yaron. "The European Union: The Nationality Law Has A Racist Odour". *Mako*, 2018. https://www.mako.co.il/news-military/israel-q3_2018/Article-8f796af547f8461004.htm. [in Hebrew]

Awada, Wadih. "MP Ahmed Tibi: We Demand That You Pay Attention To Us As A National Minority". *Al-Quds Al-Arabi Newspaper*, 2015. <http://www.alquds.co.uk/?p=445081>. [in Arabic]

Azolay, Moran. "Joint List Mks Discuss Nation-State Law With Arab Chief". *Ynetnews.Com*, 2018. <https://www.ynetnews.com/articles/0,7340,L-5348076,00.html>. [in Hebrew]

Barakat, Amiran. "Israel's Poverty Remains Worst In OECD - Globes". *Globes*, 2017. <https://en.globes.co.il/en/article-israels-poverty-remains-worst-in-oecd-1001214592>.

Baruch, Uzi. "Arab MK Cooperates With Palestinians Against Israel". *Israel National News*, 2016. <http://www.israelnationalnews.com/News/News.aspx/213521>.

Ben Solomon, Ariel. "Meet The New MK: Basel Ghattas". *The Jerusalem Post / Jpost.Com*, 2013. <https://www.jpost.com/Features/In-Thespotlight/Meet-the-new-MK-Basel-Ghattas>.

Benari, Elad. "Erekat: Nationality Law Destroys The Two-State Solution". *Israel National News*, 2018. <http://www.israelnationalnews.com/News/News.aspx/249430>.

Benari, Elad. "Tibi Tries To Visit India As A 'Palestinian' Representative". *Israel National News*, 2013. <http://www.israelnationalnews.com/News/News.aspx/174040>.

Ben-David, Dr. Yosef. "The Bedouin In Israel". *Jewishvirtuallibrary.Org*, 2016. <https://www.jewishvirtuallibrary.org/the-bedouin-in-israel#health>.

Bender, Eric. "Odeh Meets With UN Secretary-General: 'We Demand Equality For The Arab Public'". *Maariv.Co.IL*, 2016. <http://www.maariv.co.il/news/israel/Article-538016>. [in Hebrew]

Bender, Eric. "The Law Governing Bedouin Settlement Passed On First Reading". *NRG*, 2013. <https://www.makorrishon.co.il/nrg/online/1/ART2/483/687.html>. [in Hebrew]

Benn, Aluf. "Obama's New Vision Of Jewish State Guarantees Rights Of Israeli Arabs". *Haaretz.Com*, 2010. <https://www.haaretz.com/1.5130838>.

Berger, Yotam, and Jack Khoury. "How Many Palestinians Live In Gaza And The West Bank? It's Complicated". *Haaretz.Com*, 2018. <https://www.haaretz.com/israel-news/how-many-palestinians-live-in-gaza-and-the-west-bank-it-s-complicated-1.5956630>.

Berman, Lazar. "Government Shelves Praver Plan On Bedouin Settlement". *Timesofisrael.Com*, 2013. <https://www.timesofisrael.com/government-shelves-praver-plan-on-bedouin-settlement/>.

Capita". *The Jerusalem Post*, 2018. <https://www.jpost.com/Israel-News/Netanyahu-touts-Israel-for-surpassing-Japan-in-GDP-per-capita-559701>.

Doueck, Daniel. "UN Rejects Request By Arab MK To Probe Bedouins' Living Conditions". *Timesofisrael.Com*, 2016. <https://www.timesofisrael.com/un-rejects-request-by-arab-mk-to-probe-bedouins-living-conditions/>.

Fanadka, Karim. "How Israel's Arab Tech Community Grew 1000% In 10 Years". *Forbes.Com*, 2018. <https://www.forbes.com/sites/startupnationcentral/2018/04/25/how-israels-arab-tech-community-grew-1000-in-10-years/#4d8155fe72f6>.

Ghanem As'ad, "Israel's Second-Class Citizens", *Foreign Affairs*, 2016, <https://www.foreignaffairs.com/articles/israel/2016-06-08/israel-s-second-class-citizens>.

Glickman, Aviad. "Report: State Should Recognize Bedouin Villages". *Ynetnews.Com*, 2008. <https://www.ynetnews.com/articles/0,7340,L-3637006,00.html>. [in Hebrew]

Greenberg, Keren-Or. "The Damage To The Economy From The Failure To Integrate Arabs - NIS 40 Billion A Year". *Calcalist. Wwww.Calcalist.Co.IL*, 2018. <https://www.calcalist.co.il/conference/articles/0,7340,L-3731666,00.html>. [in Hebrew]

H, Ben. "Thousands Protest Praver Plan In Global 'Day Of Rage'". *Palestinemonitor.Org*, 2013. <http://www.palestinemonitor.org/details.php?id=6w8fu5a5753yc0roxdd7x>.

Hadad Haj-Yahya, Nasreen. "For Arab Women In Israel, It's Just Not Working | Opinion". *Haaretz.Com*, 2018. <https://www.haaretz.com/opinion/.premium-for-arab-women-in-israel-it-s-just-not-working-1.5886775>.

Harkov, Lahav. "European MPs: Jewish Nation-State Bill Legalizes Systemic Discrimination". *The Jerusalem Post | Jpost.Com*, 2017. <https://www.jpost.com/Israel-News/European-MPs-Jewish-nation-state-bill-legalizes-systemic-discrimination-515848>.

Harkov, Lahav. "Israeli-Arab Lawmakers Encourage EU To Cut Trade Agreement With Israel". *The Jerusalem Post | Jpost.Com*, 2017.

<https://www.jpost.com/Arab-Israeli-Conflict/Israeli-Arab-lawmakers-encourage-EU-to-cut-trade-agreement-with-Israel-513718>.

Hay, Shahar. "Nationality Bill Passes Its First Reading". *Ynetnews.Com*, 2018. <https://www.ynetnews.com/articles/0,7340,L-5247451,00.html>. [in Hebrew]

Heller, Jeffry. "Israel's Netanyahu Calls U.N. 'House Of Lies' Before Jerusalem Vote". *Reuters*, 2017. <https://www.reuters.com/article/us-trump-israel-un-netanyahu/israels-netanyahu-calls-u-n-house-of-lies-before-jerusalem-vote-idUSKBN1EF14U>.

Heruti-Sover, Tali. "The Bank Of Israel Finds It Difficult To Recruit Workers From Arab Society: 'They Find Out The Wages - And Go Somewhere Else'". *Themarker*, 2017. <https://www.themarker.com/career/1.4298132>. [in Hebrew]

Hovel, Revital. "Supreme Court Rejects Citizens' Request to Change Nationality From 'Jewish' To 'Israeli'". *Haaretz.Com*, 2013. <https://www.haaretz.com/.premium-court-israeli-isn-t-ethnicity-1.5343897>.

Keshti, Or, and Noa Spiegel. "The Unrecognised We Did Not Know: Also In The North, Thousands Live In Unregulated Settlements". *Haaretz*, 2017. <https://www.haaretz.co.il/.premium-MAGAZINE-1.4087924>.

Kestler-D'Amours, Jillian. "Israel's Bedouin Battle Displacement". *Aljazeera.Com*, 2013. <https://www.aljazeera.com/indepth/features/2013/08/2013828125945288209.html>.

Khoury, Jack. "EU Condemns Israel's Policy On Bedouin Population - Architects And Planners For Justice In Palestine". *Apjp.Org*, 2012. <http://apjp.org/eu-condemns-israels-policy-on/>.

Khoury, Jack, Zafrir Rinat, And Oz Rezenberg. "Cabinet Approves Plan To Relocate Negev Bedouin". *Haaretz.Com*, 2011. <https://www.haaretz.com/1.5170639>.

Khoury, Jack. "European Lawmakers' Meeting With Joint Arab List MKs Banned At Knesset". *Haaretz.Com*, 2015. <https://www.haaretz.com/israel-news/.premium-1.667063>.

Khoury, Jack. "European Parliament condemns Israel's Policy toward Bedouin population". *Haaretz.Com*, 2012. <https://www.haaretz.com/european-parliament-condemns-israel-s-bedouin-policy-1.5265139>.

Khoury, Jack. "Israeli Arab Lawmaker Ayman Odeh Meets With Pope Francis". *Haaretz.Com*, 2017. <https://www.haaretz.com/israel-news/israeli-arab-lawmaker-odeh-meets-with-pope-francis-1.5489975>.

Khoury, Jack. "OECD Chief Meets Israeli Arab Leaders, Warns Of Inequality Between Jews And Arabs". *Haaretz.Com*, 2017. <https://www.haaretz.com/israel-news/oecd-chief-meets-israeli-arab-leaders-warns-of-inequality-with-jews-1.5465058>.

Kronish, Ron. "Are Palestinian Arab Citizens Of Israel Still Invisible?". *Huffpost*, 2014. https://www.huffingtonpost.com/ron-kronish/are-palestinian-arab-citi_b_4942948.html.

Lieber, Dov. "Number Of Arab Students In Israeli Universities Grows 78% In 7 Years". *Timesofisrael.Com*, 2018. <https://www.timesofisrael.com/number-of-arab-students-in-israeli-universities-grows-78-in-7-years/>.

Lis, Jonathan, and Barak Ravid. "White House 'Deeply Concerned' By 'Divisive' Anti-Arab Rhetoric During Israeli Election". *Haaretz.Com*, 2015. <https://www.haaretz.com/.premium-u-s-concerned-by-anti-arab-rhetoric-during-election-1.5339436>.

Lis, Jonathan. "Israeli Lawmaker Calls To Investigate Arab Politicians For Taking Nation-State Law To UN". *Haaretz.Com*, 2018. <https://www.haaretz.com/israel-news/.premium-mk-calls-to-investigate-arab-politiciansfor-taking-nation-state-law-to-1.6428425>.

Lubell, Maayan. "Israel Adopts Divisive Jewish Nation-State Law". *Reuters*, 2018. <https://uk.reuters.com/article/uk-israel-politics-law/israel-adopts-divisive-jewish-nation-state-law-idUKKBN1K9021?feedType=RSS&feedName=topNews>.

Lustick, Ian. "Opinion: Two-State Illusion". *Nytimes.Com*, 2013. <https://www.nytimes.com/2013/09/15/opinion/sunday/two-state-illusion.html>.

Lynch, Colum. "U.S. To End All Funding To U.N. Agency That Aids Palestinian refugees". *Foreign Policy*, 2018. <https://foreignpolicy.com/2018/08/28/middle-east-palestinian-israel-pompeo-trump-kushner-u-s-to-end-all-funding-to-u-n-agency-that-aids-palestinian-refugees/>.

Maltz, Judy. "In Rare Rebuke, Jewish Federations Slam Israel's Nation-State Law As 'Step Back For All Minorities'". *Haaretz.Com*, 2018. <https://www.haaretz.com/israel-news/.premium-in-rare-rebuke-jewish-federations-slam-israel-s-nation-state-law-1.6340012>.

Margalit, Michal. "OECD On Israel: The Economy Is Stronger But More Poor Workers; Criticize The Resident Price". *Ynet*, 2018. <https://www.ynet.co.il/articles/0,7340,L-5155925,00.html>. [in Hebrew]

Miaari, Sami. "The Meeting Of MP Ayman Odeh With Ban Ki-Moon Between The Hidden And Apparent". *Alarab.Com*, 2016. <https://www.alarab.com/Article/743538>. [in Arabic]

Morani, Maysana. "The Land Day Is Still Relevant: The Evacuation Of Um Elhira". *Ynet*, 2018. <https://www.ynet.co.il/articles/0,7340,L-5209026,00.html>. [in Hebrew]

Morello, Carol, and Ruth Eglash. "U.S. Declines to veto U.N. Security Council Resolution for Israel to stop Jewish settlement activity". *Washington Post*, 2016. https://www.washingtonpost.com/world/national-security/us-declines-to-veto-un-security-council-resolution-for-israel-to-stop-jewish-settlement-activity/2016/12/23/cd4efe72-c939-11e6-bf4b-2c064d32a4bf_story.html?utm_term=.4e12c3a8f626.

Mualem, Mazal. "Morbidity Among Israeli Arabs: A Strategic Problem", 2018. <https://www.al-monitor.com/pulse/iw/contents/articles/originals/2018/07/israel-arabs-ahmed-tibi-public-health-weapons-education.html>.

Mualem, Mazal. "Outrage As Fight Over Israel's Nationality Law Reaches UN". *Al-Monitor*, 2018. <http://www.al-monitor.com/pulse/originals/2018/08/israel-danny-danon-ayman-odeh-united-nations-joint-list.html#ixzz5QyEmFkhS>.

Newman, Marissa. "Nearly Half Of Jewish Israelis Want To Expel Arabs, Survey Shows". *Timesofisrael.Com*, 2016. <https://www.timesofisrael.com/plurality-of-jewish-israelis-want-to-expel-arabs-study-shows/>.

Nikles, Roland. "The Adalah Database Of 50 Discriminatory Laws In Israel". *Mondoweiss*, 2015. <https://mondoweiss.net/2015/06/database-discriminatory-israel/>.

Odeh, Ayman. "Opinion: Israel Bulldozes Democracy". *Nytimes.Com*, 2017. <https://www.nytimes.com/2017/02/11/opinion/sunday/israel-bulldozes-democracy.html>.

Oliner, Martin. "The Jewish Nation-State Law Outside Politics". *The Jerusalem Post | Jpost.Com*, 2018. <https://www.jpost.com/Opinion/The-Jewish-Nation-State-Law-outside-politics-566970>.

Pilegge, Tamar. "In DC, Arab MK Blasts Israel'S 'Systemic' Discrimination". *Timesofisrael.Com*, 2016. <http://www.timesofisrael.com/in-dc-arab-mk-blasts-israels-systemic-discrimination/>.

Prof. Friedman, Daniel. "National Law Is Bad, But The High Court Left No Choice". *Ynet*, 2018. https://www.ynet.co.il/articles/0,7340,L-5329129,00.html?utm_source=Taboola_internal&utm_medium=organic. [in Hebrew]

Ravid, Barak, and Shlomo Shamir. "At UN, Lieberman Touts Territory Swap, Says Deal Could Take Decades". *Haaretz.Com*, 2010. <https://www.haaretz.com/1.5118801>.

Sade, Tzahi. "The Great Missed Opportunity: Integrating Arabs Into The Public Sector Is A National Interest". *Ynet*, 2018. <https://www.ynet.co.il/articles/0,7340,L-5188946,00.html>. [in Hebrew]

Sarah Press, Viva. "The Small Israeli Village Where Everyone's A Doctor". *Israel21c*, 2016. <https://www.israel21c.org/the-small-israeli-village-where-everyones-a-doctor/>.

Schindler, Max. "Netanyahu Touts Israel For Surpassing Japan In GDP Per c
Segal, Amit. "After The storm: A New Version Of The National Law". *Mako*, 2018. https://www.mako.co.il/news-military/politics-q3_2018/Article-6ef7fdc76158461004.htm. [in Hebrew]

Segal, Udi. "MK Odeh Against The State Of Israel At The UN". *Mako*, 2016. https://www.mako.co.il/news-military/israel-q2_2016/Article-4669b8ceab63551004.htm. [in Hebrew]

Sela, Maya. "Margaret Atwood, Yann Martel Urge Israel Against Relocating Palestinians, Bedouin". *Haaretz.Com*, 2013. <https://www.haaretz.com/.premium-canadian-writers-urge-israel-not-to-move-arabs-1.5297889>.

Shalev, Chemi. "Im Tirtzu And The Proto-Fascist Plot To Destroy Israeli Democracy". *Haaretz.Com*, 2015. <https://www.haaretz.com/opinion/.premium-the-proto-fascist-plot-to-destroy-israeli-democracy-1.5378187>

Shalev, Tal, and Yaki Admaker. "Delegations, Only Two Arabs: The Mks Who Are Not Sent To Represent Us Abroad". *Walla*, 2016. <https://news.walla.co.il/item/2987299>. [in Hebrew]

Shamah, David. "Pharmacy Offers Arabs Career Boost, Enhanced Ties With Jews". *Timesofisrael.Com*, 2015. <https://www.timesofisrael.com/pharmacy-offers-arabs-career-boost-enhanced-ties-with-jews/>.

Shamir, Shlomo, and Barak Ravid. "UN Probe: Israel, Palestinians Both Guilty Of Gaza War Crimes". *Haaretz.Com*, 2009. <http://www.haaretz.com/news/un-probe-israel-palestinians-both-guilty-of-gaza-war-crimes-1.7839>.

Sherwood, Harriet. "Demolition And Eviction Of Bedouin Citizens Of Israel In The Naqab (Negev) - The Prawer Plan - Adalah". *Theguardian*, 2013. <https://www.theguardian.com/profile/harrietsherwood>.

Shlomo Piotrkowsky, "The Ministerial Committee Approved The Regulation Of Bedouin Settlement Law", *INN*, 2013, <https://www.inn.co.il/News/News.aspx/255515>. [in Hebrew]

Sitruk Dahan, Yaakov. "The Bedouin Population In The Negev Doubles Every 15 Years". *Sheva*, 2018. <https://sheva7.co.il/news/112048/>. [in Hebrew]

Smith-Spark, Laura. "UK Lawmakers Vote To Recognize Palestine As A State - CNN". *CNN*, 2014. <https://edition.cnn.com/2014/10/14/world/europe/uk-commons-vote-palestine/index.html>.

Solomon, Ariel. "Arab Sector Turnout For Recent Elections Reached 63.5%, Polling Data Shows". *The Jerusalem Post*, 2015. <https://www.jpost.com/Israel-Elections/Arab-sector-turnout-for-recent-elections-reached-635-percent-polling-data-shows-394878>.

Stern, Yoav. "President Peres Apologizes For Kafr Qasem Massacre Of 1956". *Haaretz.Com*, 2007. <https://www.haaretz.com/1.4969231>.

Tharoor, Ishaan. "Map: The Countries That Recognize Palestine As A State". *Washington Post*, 2014. https://www.washingtonpost.com/news/worldviews/wp/2014/11/07/map-the-countries-that-recognize-palestine-as-a-state/?utm_term=.e77f981e2b63.

Vardi, Moav. "Step Up: MK Ahmad Tibi Met With Senior US Officials In Washington". *Nana10*, 2016. <http://10tv.nana10.co.il/Article/?ArticleID=1173494>. [in Hebrew]

Weiss, Philip. "Margaret Atwood Signs On To Canadian Letter Opposing Palestinian Evictions". *Mondoweiss*, 2013. <https://mondoweiss.net/2013/07/margaret-atwood-signs-on-to-canadian-letter-opposing-palestinian-evictions/>.

Young, Holly. "Israel: 'Some NGOs Are Seen As The Enemy From The Inside'". *The Guardian*, 2016. <https://www.theguardian.com/global-development-professionals-network/2016/may/11/israel-some-ngos-are-seen->

International Declarations and Conventions

"Charter Of The United Nations And Statute Of The International Court Of Justice". *Treaties.Un.Org*, 1945. <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

"Children's Rights: Israel". *Loc.Gov*. Accessed 15 October 2018. <https://www.loc.gov/law/help/child-rights/israel.php>.

"Convention C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)". *Ilo.Org*, 1989. http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_IL_O_CODE:C169.

"Convention for the Protection of Human Rights And Fundamental Freedoms". *Echr.Coe.Int*, 1950. https://www.echr.coe.int/Documents/Convention_ENG.pdf.

"Convention on the Prevention and Punishment Of The Crime Of Genocide". *Ohchr.Org*, 1948.
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx>.

"Convention on the Rights of The Child". *Ohchr.Org*, 1989.
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

"Declaration Of The United Nations Conference On The Human Environment - A/CONF.48/14/Rev.1 Chapter I - UN Documents: Gathering A Body Of Global Agreements". *Un-Documents.Net*, 1972. <http://www.un-documents.net/unchedec.htm>.

"Declaration On Race And Racial Prejudice". *Portal.Unesco.Org*. Accessed 15 October 2018. http://portal.unesco.org/en/ev.php-URL_ID=13161&URL_DO=DO_TOPIC&URL_SECTION=201.html.

"Declaration On The Right To Development". *Un.Org*, 1986.
<http://www.un.org/documents/ga/res/41/a41r128.htm>.

"Declaration On The Rights Of Indigenous Peoples". *Ohchr.Org*, 2007.
<https://www.ohchr.org/en/issues/ipeoples/pages/declaration.aspx>.

"Declaration On The Rights Of Persons Belonging To National Or Ethnic, Religious And Linguistic Minorities". *Un.Org*, 1992.
<http://www.un.org/documents/ga/res/47/a47r135.htm>.

"Document Of The Copenhagen Meeting Of The Conference On The Human Dimension Of The CSCE". *Osce.Org*, 2018.
<https://www.osce.org/odihr/elections/14304?download=true>.

"European Charter For Regional Or Minority Languages". *Treaty Office*, 1992.
<https://www.coe.int/en/web/conventions/full-list-/conventions/rms/0900001680695175>.

"Framework Convention For The Protection Of National Minorities". *Rm.Coe.Int*, 1995. <https://rm.coe.int/16800c10cf>.

"Indigenous And Tribal Populations Convention, 1957 (No. 107)". *Ilo.Org*, 1957.
http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::55:P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C107,/Document.

"International Convention On The Elimination Of All Forms Of Racial Discrimination". *Ohchr.Org*, 1965.
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.

"International Conventions On Human Rights". *Israel.Org*, 1999.
<http://www.israel.org/MFA/MFA-Archive/1999/Pages/International%20Conventions%20on%20Human%20Rights.aspx>.

"International Covenant on Civil And Political Rights". *Ohchr.Org*, 1966. <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

"International Covenant on Economic, Social And Cultural Rights". *Ohchr.Org*, 1966. <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

"Report Of The CSCE Meeting Of Experts On National Minorities, Geneva 1991". *Osce.Org*, 1991. <https://www.osce.org/hcnm/14588?download=true>.

"The Oslo Recommendations Regarding The Linguistic Rights Of National Minorities & Explanatory Note". *Osce.Org*, 1998. <https://www.osce.org/hcnm/oslo-recommendations?download=true>.

"The Universal Declaration Of Human Rights", *Claiminghumanrights.Org*, 1948, http://www.claiminghumanrights.org/udhr_article_25.html.

"Treaty No.157: Convention For The Protection Of National Minorities", *Treaty Office*, 1995, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/157>.

"UN General Assembly Resolution 181". *Unispal.Un.Org*, 1947. <https://unispal.un.org/DPA/DPR/unispal.nsf/0/7F0AF2BD897689B785256C330061D253>.

"UN Human Rights Expert Calls For Urgent Revision Of Israeli Housing Policies", *UN News*, 2012, <https://news.un.org/en/story/2012/02/403062-un-human-rights-expert-calls-urgent-revision-israeli-housing-policies>.

"United Nations Declaration on the Rights Of Indigenous Peoples For Indigenous Adolescents". *Files.Unicef.Org*. Accessed 17 October 2018. http://files.unicef.org/policyanalysis/rights/files/HRBAP_UN_Rights_Indig_Peoples.pdf.

"United Nations Declaration on the Rights Of Indigenous Peoples". *Un.Org*, 2007. https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

"United Nations Universal Declaration of Human Rights 1948", *Jus.Uio.No*, 1948, <https://www.jus.uio.no/lm/en/pdf/un.universal.declaration.of.human.rights.1948.portrait.letter.pdf>.

"UNTC". *Treaties.Un.Org*. Accessed 15 October 2018. https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-3&chapter=4&clang=_en.

"Vienna Declaration and Programme Of Action". *Ohchr.Org*, 1993. <https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>.

Official Documents and Websites

"Country Reports On Human Rights Practices For 2012". *State.Gov*, 2012. <https://www.state.gov/j/drl/rls/hrrpt/2012humanrightsreport/index.htm?year=2012&dliid=204363#wrapper>.

"EU Consults With Israel And The Palestinian Authority On Its Engagement In Support Of The Two-State Solution - European Commission". *European Neighbourhood Policy And Enlargement Negotiations*, 2018. https://ec.europa.eu/neighbourhood-enlargement/news_corner/news/eu-consults-israel-and-palestinian-authority-its-engagement-support-two-state_en.

"EU Policy On The West Bank And East Jerusalem". *Europarl.Europa.Eu*, 2012. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0298+0+DOC+XML+V0//EN&language=EN>.

"General Assembly Adopts Declaration On Rights Of Indigenous Peoples; 'Major Step Forward' Towards Human Rights For All, Says President". *Un.Org*, 2007. <https://www.un.org/press/en/2007/ga10612.doc.htm>.

"Global Water Supply And Sanitation Assessment 2000 Report". *Who.Int*, 2000. http://www.who.int/water_sanitation_health/monitoring/jmp2000.pdf.

"Israel Human Rights Report For 2016". *Il.Usembassy.Gov*, 2016. <https://il.usembassy.gov/wp-content/uploads/sites/33/2017/04/ISRAEL-and-OT-HRR-2016-HEB.pdf>.

"Minority Rights: International Standards And Guidance For Implementation". *Ohchr.Org*, 2010. https://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf.

"Motion For A Resolution On The Threat Of Demolition Of Khan Al-Ahmar And Other Bedouin Villages - B8-0384/2018". *Europarl.Europa.Eu*, 2018. <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B8-2018-0384&language=EN>.

"National Minority Issues". *Osce.Org*. Accessed 16 October 2018. <https://www.osce.org/national-minority-issues>.

"OECD Economic Surveys -Israel". *Oecd.Org*, 2018. <https://www.oecd.org/eco/surveys/Israel-2018-OECD-economic-survey-overview.pdf>.

"Overview". *Un.Org*. Accessed 3 November 2018. <http://www.un.org/en/sections/about-un/overview/index.html>.

"Pillay Urges Israel To Reconsider Proposed Bill That Will Displace Tens Of Thousands Of Bedouin". *Newsarchive.Ohchr.Org*, 2013. <https://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13577&LangID=E>.

"PM Netanyahu First Israeli PM To Visit The European Capital In Over 20 Years". *Embassies.Gov.II*, 2017.
<http://embassies.gov.il/eu/NewsAndEvents/Newsletter/Pages/PM-Netanyahu-first-Israeli-PM-to-visit-Brussels-in-over-20-years.aspx>.

"Question Of The Violation Of Human Rights In The Occupied Arab Territories, Including Palestine". *Unispal.Un.Org*, 1992.
<https://unispal.un.org/DPA/DPR/unispal.nsf/0/66824F0F98965FC505256608006D5DEC>.

"Question Of The Violation Of Human Rights In The Occupied Arab Territories, Including Palestine". *Unispal.Un.Org*, 1993.
<https://unispal.un.org/DPA/DPR/unispal.nsf/0/2511941479E2A7C985256AD2004DB43F>.

"Statement By High Representative/Vice-President Federica Mogherini On Violence In Gaza And Latest Developments - EEAS - European External Action Service - European Commission". *EEAS - European External Action Service*, 2018.
https://eeas.europa.eu/headquarters/headquarters-homepage/44510/statement-high-representativevice-president-federica-mogherini-violence-gaza-and-latest_en.

"Statement By President Trump On Jerusalem". *The White House*, 2017.
<https://www.whitehouse.gov/briefings-statements/statement-president-trump-jerusalem/>.

"Two-State Solution Key For Security, Stability In Middle East, Secretary-General Tells United Nations International Media Seminar | Meetings Coverage And Press Releases". *Un.Org*, 2018.
<https://www.un.org/press/en/2018/sgsm19193.doc.htm>.

"What Is The Praver Plan?". *Europarl.Europa.Eu*. Accessed 31 August 2018.
http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/132_adalahbedouin_/132_adalahbedouin_en.pdf.

Environment, United. "Declaration Of The United Nations Conference On The Human Environment - A/CONF.48/14/Rev.1 Chapter I - UN Documents: Gathering A Body Of Global Agreements". *Un-Documents.Net*, 1972.
<http://www.un-documents.net/unchedec.htm>.

Heaney, Christopher. "Hanan Ashrawi calls for 'New international engagement' in Two-State Solution - UN News Interview". *Question Of Palestine*, 2018.
<https://www.un.org/unispal/document/hanan-ashrawi-calls-for-new-international-engagement-in-two-state-solution-un-news-interview/>
[http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596802/IPOL_STU\(2017\)596802_EN.pdf#page55](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596802/IPOL_STU(2017)596802_EN.pdf#page55).

Nakhala, Dua'. "Shackled At Home: The Palestinian Minority In Israel". *Europarl.Europa.Eu*, 2012.

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dplc/dv/palestinian_minority_/palestinian_minority_en.pdf.

National Minority Standards. Strasbourg: Council of Europe Pub., 2007.

Policy Department for Citizens' Rights and Constitutional Affairs, 2017. [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596802/IPOL_STU\(2017\)596802_EN.pdf#page55](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596802/IPOL_STU(2017)596802_EN.pdf#page55).

Policy Department, Directorate-General for External Policies. *Shackled At Home: The Palestinian Minority In Israel*. Belgium: European Parliament, 2012.

Territories. Ebook. European Parliament: Directorate-General for External Policies Subcommittee on Human Rights, 2015. http://www.europarl.europa.eu/meetdocs/2014_2019/documents/dplc/dv/finalreport/finalreporten.pdf.

Israeli Official websites

"Admission of Israel to The United Nations- General Assembly Resolution 273". *Mfa.Gov.II*, 1949. <http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/admission%20of%20israel%20to%20the%20united%20nations-%20general.aspx>.

"Basic Law: Human Dignity And Liberty". *Knesset.Gov.II*, 1992. https://www.knesset.gov.il/laws/special/eng/basic3_eng.htm.

"Bedouins In The State Of Israel". *Knesset.Gov.II*. Accessed 20 October 2018. https://www.knesset.gov.il/lexicon/eng/bedouim_eng.htm.

"Development Of The Negev Bedouin Settlement", 2017. <http://www.economy.gov.il/Publications/PressReleases/Pages/2017-0045-543.aspx>. [in Hebrew]

"Head Of The Shin Bet To The Foreign Affairs and Defense Committee: Hamas, Which Is In A Strategic Situation, Is Interested In Undermining The Security Situation In Judea And Samaria By Means Of Terror Attacks". *Main.Knesset.Gov.II*, 2017. http://main.knesset.gov.il/Activity/committees/ForeignAffairs/News/pages/pr200317_1.aspx. [in Hebrew]

"Israel and the Golan Heights 2017 Human Rights Report". *State.Gov*, 2017. <https://www.state.gov/documents/organization/277489.pdf>.

"Jewish Nation-State Bill Approved In Preliminary Vote". *Knesset.Gov.II*, 2017. https://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=13408.

"Knesset Passes Jewish Nation-State Bill Into Law". *Knesset.Gov.II*, 2018. https://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=13979.

- "Laws Book". *Fs.Knesset.Gov.II*, 2018.
http://fs.knesset.gov.il/20/law/20_lsr_504220.pdf. [in Hebrew]
- "MK Aida Touma-Slima: Biography". *Knesset.Gov.II*. Accessed 28 October 2018. https://knesset.gov.il/mk/eng/mk_eng.asp?id=948.
- "MK Hanin Zoabi: Biography". *Knesset.Gov.II*. Accessed 28 October 2018. https://knesset.gov.il/mk/eng/mk_eng.asp?mk_individual_id_t=846.
- "National Health Insurance". *Mfa.Gov.II*, 1995. <http://www.mfa.gov.il/mfa/mfa-archive/1990-1995/pages/national%20health%20insurance.aspx>.
- "Planning And Building Law- 1965". *Mfa.Gov.II*. Accessed 19 October 2018. <http://mfa.gov.il/MFA/PressRoom/1998/Pages/Planning%20and%20Building%20Law-%201965.aspx>.
- "President Rivlin Addresses Kafr Qasim Memorial Ceremony". *Mfa.Gov.II*, 2014. <http://mfa.gov.il/MFA/PressRoom/2014/Pages/President-Rivlin-addresses-Kafr-Qasim-memorial-ceremony-26-Oct-2014.aspx>.
- "Proclamation of Independence". *Knesset.Gov.II*, 1948. https://www.knesset.gov.il/docs/eng/megilat_eng.htm.
- "Rejected In Tromit: Law Commemorating The Victims Of The Kafr Qasem Massacre". *M.Knesset.Gov.II*, 2016. <https://m.knesset.gov.il/news/pressreleases/pages/press21116-0q3.aspx>.
- "Relations between Israel And The United Nations". *Embassies.Gov.II*. Accessed 10 October 2018. <http://embassies.gov.il/hague-en/aboutisrael/Relations/Pages/Relations-Israel-and-U-N.aspx>.
- "The Balfour Declaration". *Mfa.Gov.II*, 1917. <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20balfour%20dclaration.aspx>.
- "The Central Bureau of Statistics (Israel)-Society&Population-Population&Demography". *Cbs.Gov.II*, 2017. http://www.cbs.gov.il/reader/?MIval=cw_usr_view_SHTML&ID=705.
- "The Diversity Index: Representation And Wages In The Private Labor Market And Academic Institutions". *Employment.Molsa.Gov.II*, 2017. http://employment.molsa.gov.il/publications/publications/doclib/variability_measure_dec2017.pdf. [in Hebrew]
- "The First Reading Was Approved: "The Prawer Plan" For The Regulation Of Bedouin Settlement In The Negev". *M.Knesset.Gov.II*, 2013. <https://m.knesset.gov.il/News/PressReleases/pages/press24613g.aspx>. [in Hebrew]

"The First Reading Was Approved: "The Praver Plan" For The Regulation Of Bedouin Settlement In The Negev". *M.Kneset.Gov.II*, 2013. <https://m.kneset.gov.il/News/PressReleases/pages/press24613g.aspx>.

"The Israel-EU Association Agreement-June 2000". *Mfa.Gov.II*, 2000. <http://mfa.gov.il/MFA/MFA-Archive/2000/Pages/The%20Israel-EU%20Association%20Agreement%20-%20June2000.aspx>.

"Yousef Jabareen: Biography". *Kneset.Gov.II*. Accessed 28 October 2018. https://kneset.gov.il/mk/eng/mk_eng.asp?mk_individual_id_t=919.

Israeli Institutes websites

"An Increase in The Number Of Students From The Arab Sector". *Council for Higher Education (CHE)*, 2018. <https://che.org.il>.

"Arab-Jewish Relations Index, Directed By Prof. Sammy Smooha of The University Of Haifa: Attitudes Of Jewish And Arab Public Concerning Coexistence Deteriorate, But Foundation Of Relationships is Still Firm". *Haifa.Ac.II*, 2018. <https://www.haifa.ac.il/index.php/en/home-page3/2934-arab-jewish-relations-index-directed-by-prof-sammy-smooha-of-the-university-of-haifa-attitudes-of-jewish-and-arab-public-concerning-coexistence-deteriorate-but-foundation-of-relationships-is-still-firm>.

"Building A Political Firewall Against Israel's Delegitimization: Conceptual Framework". *Reut-Institute.Org*, 2010. <http://reut-institute.org/data/uploads/PDFVer/20100310%20Delegitimacy%20Eng.pdf>.

"Everything You Wanted To Know About The Law Of Nationality". *IDI*, 2018. <https://www.idi.org.il/articles/24220>.

"Internationalization of The Issue Of Israeli Arabs". *Reut-Institute.Org*, 2005. <http://reut-institute.org/en/Publication.aspx?PublicationId=535>.

"The Arab Population In Israel: Facts And Figures". *Brookdale.Jdc.Org.II*, 2018. http://brookdale.jdc.org.il/wp-content/uploads/2018/03/MJB_Facts_and_Figures_on_the_Arab_Population_in_Israel_2018-Hebrew.pdf.

Ben-Ezer, Inbal. "The Involvement Of Palestinian Citizens Of Israel In The Israeli Peace Camp". *Mitvim.Org.II*, 2018. http://mitvim.org.il/images/Inbal_Ben-Ezer_-_Summary_-_The_involvement_of_Palestinian_citizens_of_Israel_in_the_Israeli_peace_camp_-_March_2018.pdf.

Biran, Yoav. "Israel And The EU - 50 Years Of Ties And Cooperation". *Idi*, 2009. <https://www.idi.org.il/parliaments/4560/4571>.

Chernichovsky, Dov, Bishara Bisharat, Liora Bowers, Aviv Brill, and Chen Sharony. "The Health Of The Arab Israeli Population: A Chapter From The State Of The Nation Report 2017". *Taubcenter.Org.II*, 2017.

Gavison, Ruth, and Tali Balfour. "Collective Rights Of Minorities". *Metzilah.Org.II*, 2005. http://www.metzilah.org.il/webfiles/fck/file/zchuyot_kibutzut_shel_miutim.pdf.

Hermann, Tamar, Chanan Cohen, Ella Heller, Tzipy Lazar-Shoef, and Fadi Omar. "The Israeli Democracy Index". *En.Idi.Org.II*, 2017. <https://en.idi.org.il/media/9837/israeli-democracy-index-2017-en-summary.pdf>.

Knaneh, Sana. "The Involvement Of The Arab Palestinian Citizens Of Israel In Foreign Affairs". *Mitvim.Org.II*, 2018. http://mitvim.org.il/images/Sana_Knaneh_-_Summary_-_The_Involvement_of_the_Palestinian_Citizens_of_Israel_in_Foreign_Affairs_-_March_2018.pdf.

Margalit, Lila. "Integration Of The Arab population into decision-making centres in the public sector", 2017. <https://www.idi.org.il/parliaments/18632/18636>.

Reiter, Yitzhak. "The Land Issues, Chapter 5 [in Hebrew]". *Abraham Fund*, 2009. <https://www.abrahamfund.org/5544>.

Rekhess, Elie, and Sara Ozacky- Lazar. *The Status Of The Arab Minority In The Jewish Nation State*. Ebook. Tel-Aviv: Tel-Aviv University and The Konrad Adenauer Program for Jewish-Arab Cooperatio, 2005.

Seener, Barak. "Israeli Arabs Between Palestinianization And Islamism". *JCPA*, 2008. <http://jcpa.org/article/israeli-arabs-between-palestinianization-and-islamism/>.

NGOs websites

"41Th Land Day in the shadow of legislation designed to increase houses demolitions". *Mossawa.Org*, 2017. <http://mossawa.org/he/article/view/651>.

"Activity Of Israeli Organizations With Advisor Status To The United Nations, Against Israeli Policy". *Imti.Org.II*, 2015. <https://imti.org.il/wp-content/uploads/2015/09/Activity-of-Israeli-Organizations-with-Advisor-Status-to-the-United-Nations-Against-Israeli-Policy.pdf>.

"Adalah Leads Foreign Diplomat Tour Of Arab Bedouin Unrecognized Villages in The Naqab, As Part Of - Adalah". *Adalah.Org*, 2012. <https://www.adalah.org/en/content/view/7859>.

"Adalah: The Government's Decision To Cancel The Prawer Plan Bill Is A Major Achievement - Adalah". *Adalah.Org*, 2013. <https://www.adalah.org/en/content/view/8228>.

"Adalah's Position Paper on "Praver II". *Adalah.Org*, 2017. <https://www.adalah.org/en/content/view/9049>.

"Demolition and Eviction Of Bedouin Citizens Of Israel In The Naqab (Negev) - The Praver Plan - Adalah". *Adalah.Org*. Accessed 31 August 2018. <https://www.adalah.org/en/content/view/7589>.

"Discriminatory Laws in Israel - Adalah". *Adalah.Org*, 2018. <https://www.adalah.org/en/law/index>.

"Equality in Transportation And Education In The Unrecognized Villages In The Negev". *Sikkuy*. Accessed 19 October 2018. <http://www.sikkuy.org.il>

"European Parliament Calls For Withdrawal Of Praver Plan, Linking Forced Displacement Of Arab - Adalah", *Adalah.Org*, 2012, <https://www.adalah.org/en/content/view/7812>.

"Israel and Its Palestinian Citizens". *Mossawa.Org*, 2017. <http://www.mossawa.org/uploads/Israel%20and%20its%20Arab%20Palestinian%20Citizens%20-%2024%20May%202017.pdf>.

"Israel: New Laws Marginalize Palestinian Arab Citizens". *Human Rights Watch*, 2011. <https://www.hrw.org/news/2011/03/30/israel-new-laws-marginalize-palestinian-arab-citizens>.

"Israeli Institutions Of Higher Education Lose More Than NIS 100 Million From Abandoning Arab Youth". *Mossawa.Org*, 2016. <http://www.mossawa.org/he/article/view/673>.

"NGOs And The Negev Bedouin Issue In The Context Of Political Warfare - Analysis Of NGO Activity, 2010-2013". *Ngo-Monitor.Org*, 2013. https://www.ngo-monitor.org/data/images/File/NGO_Monitor-Bedouin_Report_English-Nov13.pdf.

"Pages of Our Land's Tragic History". *Mossawa.Org*. Accessed 5 October 2018. http://mossawa.org/uploads/1_Land-Day-Book-English-27-46.pdf.

"Palestinian Citizens of Israel: A Primer". *Adalah.Org*. Accessed 28 September 2018. https://www.adalah.org/uploads/uploads/Palestinian_Citizens_of%20Israel_Adalah_July_2017.pdf.

"Proposed Legislation: NGO Transparency Bill". *Adalah.Org*, 2016. https://www.adalah.org/uploads/NGO_transparency_bill_English.pdf

"The Annual Statistical Bulletin "Children In Israel 2017"". *Go.Ynet.Co.IL*, 2018. <http://go.ynet.co.il/pic/news/shnaton2017.pdf>.

"The Challenges of 40Th Land Day". *Mossawa.Org*, 2016. <http://mossawa.org/he/article/view/538>.

"The Future Vision of The Palestinian Arabs In Israel". *Mossawa.Org*, 2006. http://www.mossawa.org/uploads/Future_Vision_ENG.pdf.

"The Haifa Declaration". *Mada-Research.Org*, 2007. <http://mada-research.org/wp-content/uploads/2007/09/watheeqat-haifa-english.pdf>.

"The Unrecognized Bedouin Villages In The Negev - Facts And Figures". *Acri.Org.II*, 2013. <https://www.acri.org.il/he/29287>

"Why International Advocacy? - Adalah". *Adalah.Org*. Accessed 20 October 2018. <https://www.adalah.org/en/content/view/7493>.

Adalah". *Adalah.Org*, 2001. <https://www.adalah.org/en/content/view/6092>.
Adalah.Org. Accessed 21 October 2018. <https://www.adalah.org/uploads/oldfiles/Public/file/3586p.pdf>.

Atrash, Aas, and Ameer Saabneh. "'Attitudes of Palestinians in Israel: Government Performance, Issues Of Equality and Democracy, And Peace Negotiation". *Mada-Research.Org*, 2015. http://mada-research.org/wp-content/uploads/2014/11/aas_ameer-final.pdf.

Jamal, Amal. "On The Morality of Arab Collective Rights In Israel". *Adalah.Org*, 2005. <https://www.adalah.org/uploads/oldfiles/newsletter/eng/apr05/ar2.pdf>.

Khalilieh, Shadi, Tal Ben Zvi, and Jafar Farah. "Land Day the History, Struggle And Monument". *Mossawa.Org*, 2015. <http://www.mossawa.org/uploads/Land%20Day%20Book%20English%20all.pdf>.

The Barriers to Access To Public Transportation In Isolated Communities In The Negev. Jerusalem: Sikkuy Association and the Regional Council for the Unrecognised Villages in the Negev, 2018.

Interviews

Barakeh, Mohammad, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Nazareth, March 14, 2016.

Farah, Jafar, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Haifa, March 15, 2016.

Ganaim, Masud. "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Sakhrin, March 12, 2016.

Ghanem, Asaad, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Haifa, March 17, 2016.

Ghattas, Basel, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Shfaram, March 26, 2016.

Jabareen, Yousef, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel". interview by Ilham Shahbari. Umm al-Fahm, April 4, 2016.

Jamal, Amal, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Tel-Aviv, March 30, 2016.

Kabha, Mustafa, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Kufr-Kara, March 22, 2016.

Khamaisi, Omar, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Nazareth, March 8, 2016.

Odeh, Ayman, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. April 1, 2016.

Salah, Raed, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Umm el-Fahim, March 26, 2016.

Smootha, Sammy. "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. March 13, 2016.

Sultany, Nimer, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. SOAS, April 13, 2016.

The Delegation of the European Union to Israel, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Tel-Aviv, March 30, 2016.

The Israeli Foreign Ministry, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Jerusalem, March 16, 2016.

Tibi, Ahmad, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", phone interview by Ilham Shahbari. March 20, 2016.

Touma-Sliman, Aida, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Acre, March 26, 2016.

Zeidan, Mohammed, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Nazareth, March 23, 2016.

Zoabi, Haneen, "Internationalisation of the National Aspirations of the Palestinian Arab Minority in Israel", interview by Ilham Shahbari. Nazareth, March 27, 2016.

Miscellaneous Reports and Papers

"A Secret Document: The 'Koenig Memo'", *Cosmos.Ucc.Ie*, 1976, <http://cosmos.ucc.ie/cs1064/jabowen/IPSC/articles/article0044090.pdf>.

"BBC's 'Hardtalk' Hosts Ahmad Tibi – Part Two". *BBC Watch*, 2018. <https://bbcwatch.org/2018/03/16/bbcs-hardtalk-hosts-ahmad-tibi-part-two/>.

"Citizens without an Address" Unregulated Settlement of Bedouin in the Galilee", *Dugrinet.Co.II*, 2016, <http://dugrinet.co.il/node/17993>. [in Hebrew]

"Discriminatory Praver Plan to Evict Tens Of Thousands Of Bedouins From Their Communities In The Negev - Ireland Palestine Solidarity Campaign". *Ireland Palestine Solidarity Campaign*. Accessed 20 October 2018. <http://www.ipsc.ie/statements/discriminatory-praver-plan-to-evict-tens-of-thousands-of-bedouins-from-their-communities-in-the-negev>.

"EU Must Recognise Palestinian Citizens Of Israel And Their Struggle For Equality - GUE/NGL - Another Europe Is Possible". *Guengl.Eu*, 2017. <http://www.guengl.eu/news/article/eu-must-recognise-palestinian-citizens-of-israel-and-their-struggle-for-equ>.

"For The First Time, Palestinians In Israel Host Senior UN Official". *Middle East Monitor*, 2018. <https://www.middleeastmonitor.com/20180510-first-the-first-time-palestinians-in-israel-host-senior-un-official/>.

"Haidak Politi" With Avigdor Liberman". *Youtube*, 2017. <https://www.youtube.com/watch?v=P7xg9mspqOQ>.

"Indigenous Peoples In Israel". *Iwgia.Org*. Accessed 1 October 2018. <https://www.iwgia.org/en/israel>.

"Internationalize | Definition Of Internationalize In English By Oxford Dictionaries". *Oxford Dictionaries | English*, 2018. <https://en.oxforddictionaries.com/definition/internationalize>.

"Ketve Amana: International Covenant On Economic, Social And Cultural Rights". *Nevo.Co.II*, 1991. https://www.nevo.co.il/law_word/Law09/amana-1037.pdf.

- "KOF Index Of Globalization". *Ethz.Ch*, 2017. https://www.ethz.ch/content/dam/ethz/special-interest/dual/kof-dam/documents/Globalization/rankings_2017.pdf.
- "Negev Bedouin". *Inter-Agency Task Force*. Accessed 20 October 2018. <http://www.iataskforce.org/issues/view/2>.
- "Odeh Is Meeting With UN Secretary-General Ban Ki-Moon And The General Assembly President Mogens Lykketoft". *Aymanodeh*, 2016. <https://www.aymanodeh.com/single->. [In Arabic]
- "Prof. Yousef Jabareen: The Percentage Of Arab Female Students In The Subjects Of Hi-Tech In The Technion, The Highest In The World". *Menhon.Com*, 2017. http://www.menhon.com/single-post.php?post_id=1371.
- "Protest Among Israeli Arabs - Characteristics, Reasons, And Trends". *Maarachot*, 2014. [In Hebrew]
- "Responsible Forum And Chair Of Steering Committees For Expansion Access To Higher Education For Arab Society". Presentation, 2018. [in Hebrew]
- "The Al-Ard Memorandum To The UN". *Palestine-Studies.Org*, 1965. <http://www.palestine-studies.org.pdf>. [in Arabic].
- "The Basic Law Draft: Israel Is The Nation-State Of The Jewish People". *Avidichter*. Accessed 29 October 2018. <https://avidichter.co.il>.
- "The Biography Of MK Ayman Odeh - Head Of The Joint List". *Mk Ayman Odeh's Website*. Accessed 28 October 2018. <https://www.aymanodeh.com/english>.
- "The Black Book On Land Day, 30 March 1976". *Scribd*, 1976. [in Arabic]
- "The Israeli Economy Is Losing NIS 40 Billion A Year As A Result Of The Non-Integration Of Arab Citizens Into The Economy". *Economist.Co.IL*, 2008. <http://www.economist.co.il/?CategoryID=1540&ArticleID=6138>.
- "The Joint List's Agenda: Our Answer To Racism". *Hadash.Org.IL*, 2015. <http://hadash.org.il> [in Hebrew].
- "The Soft Power Of Parliamentary Diplomacy". *Diplomatic Magazine*, 2015. <http://www.diplomatmagazine.nl/2015/06/07/the-soft-power-of-parliamentary-diplomacy/>.
- "UN Investigation Into Israel's 'Nation-State' Law". *Middle East Monitor*, 2018. <https://www.middleeastmonitor.com/20180806-un-investigation-into-israels-nation-state-law/>.

Be'eri-Sulitzeanu, Amnon. Breakout Session - Palestinian Citizens of Israel: A Key Piece of the Puzzle. Interview by Nimrod Goren. TV. J Street, 2018. <https://www.youtube.com/watch?v=1yZZxG-74QM>

Dov Waxman and Ilan Peleg, *The Rights Of Israel's Palestinian Minority In The Two-State Solution To The Israeli-Palestinian Conflict*, APSA 2011 Annual Meeting Paper (New York: City University of New York, 2011).

Halkin, Hillel. "The Jewish State & Its Arabs". *Mepeace.Org*, 2009. <http://mepeace.org/forum/topics/the-jewish-state-its-arabs>.

Hordecki, Bartosz. "Freedom OF Conscience And Religion In The Documents Of The Council Of Europe: Selected Issues SSUES". *Wnpid.Amu.Edu.Pl*, 2014. <https://wnpid.amu.edu.pl/~wnpid/attachments/article/2894/035-046.pdf>.

Jetschke, Anja, and Andrea Liese. "Paper Presented For The Workshop: The Power Of Human Rights: Ten Years After". In *Workshop at The University Of Wyoming Conference Centere*, 1-37. Laramie WY: The University of Wyoming, 2009.

Kertcher, Chen. "From Plowshares To Swords? UN Forces On Israel'S Borders In The Second Decade Of The Twenty-First Century". *Academia.Edu*, 2014. http://www.academia.edu/15195462/From_Plowshares_to_Swords_UN_Forces_on_Israel_s_Borders_in_the_Second_Decade_of_the_Twenty-First_Century

Kovačević, Dragana. "International Minority Protection System". *Kas.De*. Accessed 2 October 2018. http://www.kas.de/upload/auslandshomepages/serbien/Kovacevic_en.pdf.

Kymklicka, Will. "Multiculturalism: Success, Failure, And The Future". *Migrationpolicy.Org*, 2012. <https://www.migrationpolicy.org/research/TC-M-multiculturalism-success-failure>.

Lavi, Efraim. "The Arab Palestinian society in Israel: time for strategic change in the processes of inclusion and equality". *Din-Online.Info*, 2016. <http://din-online.info/pdf/in11.pdf>. [in Hebrew]

Lavie, Ephraim. "Integrating The Arab-Palestinian Minority In Israeli Society: Time For A Strategic Change". *Peace.Tau.Ac.Il*, 2016. https://peace.tau.ac.il/sites/peace.tau.ac.il/files/media_server/peace/PDF/books/INSS_EphraimLavie.pdf.

Lipka, Michael. "7 Key Findings About Religion And Politics In Israel". *Pew Research Center*, 2016. <http://www.pewresearch.org/fact-tank/2016/03/08/key-findings-religion-politics-israel/>.

Medda-Windischer, Roberta. "The Nexus Between Old And New Minorities". *Juwiss.De*, 2017. <https://www.juwiss.de/108-2017/>.

Nasic, Halida. "Minority Rights Instruments And Mechanisms: Minority Protection Along The Conflict Continuum". *Eurac.Edu*, 2007. <http://www.eurac.edu/en/research/autonomies/minrig/Documents/Mirico/Report%20on%20HR%20instruments%20WEB.pdf>.

Odeh, Ayman. MK. Interview by Gisele Khoury. BBC TV, 2016. https://www.youtube.com/watch?v=jWwpPXz3_os [in Arabic]

Rekness, Elie. "The Arab Minority In Israel – An Analysis Of The "Future Vision" Documents". *American Jewish Committee*, 2008.

Smootha, Sammy. "Why Do Israel's Arabs Keep Playing By The Rules?". *The Forward*, 2016. <https://forward.com/opinion/354766/why-do-israels-arabs-keep-playing-by-the-rules/>.

Smootha, Sammy. *The Model of Ethnic Democracy*. Germany: European Centre for Minority Issues (ECMI), 2001. https://www.ecmi.de/uploads/tx_lfpubdb/working_paper_13.pdf

Sorek, Tamir. "Remembering Kafr Qassim". *Stanford University Press Blog*, 2015. <http://stanfordpress.typepad.com/blog/2015/10/remembering-kafr-qasim.html>

Stelios, Stavridis. "Parliamentary Democracy": Some Preliminary Findings". HTML, 2002. JMWP. Archive of European Integration (AEI).

The High Follow-Up Committee for the Arab Citizens. *International Day For Supporting The Rights Of The Palestinian Citizens Of Israel*, 2017.

The Indigenous Bedouins Of The Naqab-Negev Desert In Israel. Omer: Negev Coexistence Forum for Civil Equality, 2006.

Vilner, Meir. "60 Years since the Kafr Kassem Massacre". *Zo Haderekch*, 2016.

Zidan, Mohamed: "Internationalization Of Arab Issues: Is Not This Way". *Youtube*, 2016. <https://www.youtube.com/watch?v=THnoKzqN2IM>. [in Arabic]